

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (DB) No.704 of 2019**

Arising Out of PS. Case No.-259 Year-2014 Thana- BAKHTIARPUR District- Saharsa

Md. Hannan @ Md. Hanan

... .. Appellant

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellant/s	:	Mr. Binod Kumar Sinha
For the Respondent/s	:	Mr. Ashwani Kumar Sinha

**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA**

and

**HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

**(Per: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA)**

3 08-08-2019 Heard learned counsel appearing for the appellant as well as learned Additional Public Prosecutor for the State on the point of admission and in our view, this criminal appeal can be disposed of on admission stage itself.

The appellant was informant of Bakhtiarpur P. S. Case No. 259 of 2014 and he lodged the above stated case on the allegation that his daughter, namely, Hassena Khatoon was married with one Md. Ajmer Alam, who was a dumb person but father-in-law of his daughter demanded Rs. 55,000 from his daughter and also subjected her into cruelty. The appellant claimed that respondent no. 2 gave information to him on 01.08.2014 that his daughter fled away from her matrimonial home and having got the aforesaid information, he searched his daughter but could not



succeed to trace her out and, however, his son-in-law gave certain indications of this fact that his daughter might have been disposed off by respondent nos. 2 to 9.

On the above-stated allegations, the respondent nos. 2 to 9 were put on trial in Sessions Trial No. 38 of 2017 and they stood charged for the offences punishable under Sections 364/34, 304B/34 and 201/34 of the Indian Penal Code. In course of trial, prosecution examined, altogether, ten prosecution witnesses and thereafter, recorded the statements of respondent nos. 2 to 9 under Section 313 of the Cr. P. C. However, the learned trial court after evaluating the evidences available on the record passed the impugned judgment of acquittal, dated 27.03.2019, in Sessions Trial No. 38 of 2017, which has been challenged by the appellant before this court.

Learned counsel appearing for the appellant submits that the appellant, namely, Md. Hannan was examined before the trial court as PW-2 and he supported his case but the learned trial court wrongly over-looked the statement of the appellant and passed the impugned judgment of acquittal.

On the other hand, learned Additional Public Prosecutor supported the impugned judgment of acquittal submitting that the learned trial court has, specifically, mentioned that there was nothing against respondent nos. 2 to 9 and after that the learned



trial court passed the impugned judgment of acquittal.

Having heard the rival contentions of the parties, we went through the record.

The perusal of the impugned judgment goes to show that the appellant, namely, Md. Hannan was examined as PW-2 and the wife of the appellant, namely, Heera Daee @ Akida Khatoon was examined before the learned trial court as PW-8 but both the aforesaid witnesses have only stated that their daughter was found missing. The impugned judgment goes to show that both the aforesaid witnesses have not even whispered about the illegal demand as well as torture of their daughter. Therefore, we do not find any absurdity or perversity in the impugned judgment and, in our view, this criminal appeal is liable to be dismissed on admission stage itself.

Accordingly, this criminal appeal stands dismissed on admission stage itself.

(Hemant Kumar Srivastava, J)

(Prabhat Kumar Singh, J)

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