

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (DB) No.268 of 2018

Arising Out of PS. Case No.-44 Year-2001 Thana- ISUAPUR District- Saran

Chandrama Baitha

... .. Appellant/s

Versus

The State Of Bihar and Ors

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Rajendra Narayan
For the State	:	Mr. Mayanand Jha
For the Respondent/s		Mr. Ansul
		Mr. Rajesh Kumar Singh

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA)

14 19-06-2019 Heard learned senior counsel Sri Rajendra Narayan appearing for the appellant and learned Additional Public Prosecutor Sri Mayanand Jha for the State as well as learned counsel Sri Ansul, appearing for the respondent no. 2, 3 and 4 on the point of admission.

In our view this appeal may be disposed of on admission stage itself.

The appellant being aggrieved by the impugned judgment of acquittal dated 12.01.2018 passed by learned F.T.C-II, Saran at Chapra in Session trial no. 733 of 2003 has preferred this appeal.



Learned Senior counsel Sri Rajendra Narayan submits that the learned trial court failed to appreciate the evidences available on the record in right perspective and completely ignored the statement of victim lady, who clearly stated that she was assaulted by the above stated respondents and in that course she sustained serious injury as a result whereof her miscarriage was done. Learned senior counsel Sri Rajendra Narayan further submits that no doubt, the nurse and the lady doctor were not examined but it is apparent from the impugned judgment that one doctor, who prepared injury report was examined and specifically, stated about the injury sustained by the victim lady. He, submits, that the aforesaid fact was ignored by the learned trial court while writing the judgment of acquittal.

On the other hand, learned counsel appearing for the respondents argued that the learned trial court has given sound reasoning for acquittal and there is no scope to interfere into the findings given by the learned trial court.

Learned Additional Public Prosecutor also supports the impugned judgment of acquittal arguing that the prosecution could not succeed to prove the injuries of victim beyond all shadow of reasonable doubt and the learned trial court has also noted down the development made by the prosecution witnesses



in course of trial and taking note of all the above stated facts, the learned trial court passed the impugned judgment of acquittal which does not need any interference by the appellate court.

Having heard the contentions of both the parties, we went through the record along with lower court record.

From perusal of the impugned judgment we find that the learned trial court has well discussed the prosecution evidence and after evaluating and discussing the prosecution evidence came to the conclusion that the prosecution could not succeed to prove its case beyond all shadow of reasonable doubt. The learned trial court has assigned reasons to fortify his view and we do not find any absurdity, perversity or illegality in the findings recorded by the learned trial court. Therefore, we are in agreement with the submissions of learned Additional Public Prosecutor that there is no need to interfere into the findings recorded by the trial court.

Accordingly, on the basis of aforesaid discussion, this criminal appeal stands dismissed on admission stage itself.

(Hemant Kumar Srivastava, J)

(Partha Sarthy, J)

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