

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (DB) No.560 of 2018

Arising Out of PS. Case No.-16 Year-2016 Thana- SC/ST District- Katihar

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{Against the Judgment of acquittal dated 06.03.2018 passed by the learned Additional Sessions Judge-I-cum-Special Judge, Katihar, in G.R. No.3572 of 2016}.

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Minti Devi, wife of Manoj Rai, resident of village-Kumhari, Police Station-Kadwa, District-Katihar.

... .. Appellant.

Versus

1. The State of Bihar.
 2. Suraj Kumar Singh alias Happu, son of Late Hari Prasad Singh.
 3. Sunil Kumar Singh alias Pappu, son of Late Hari Prasad Singh.
 4. Chandra Pal Singh, son of Late Hari Prasad Singh.
- Respondents 2 to 4 are residents of village-Kumhari, Police Station-Kadwa, District-Katihar.

... .. Respondents.

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Appearance :

For the Appellant	:	Mr. Ajay Kumar, Advocate.
For the State	:	Mr. Binay Krishna, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
and
HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA)

Date : 02-01-2019

Heard learned counsel appearing for the appellant as well as learned Additional Public Prosecutor for State on I.A. No. 1447 of 2018, which has been filed under Section 378 (3) of Criminal Procedure Code as well as on the point of admission.

2. I.A. No. 1447 of 2018 has been filed on behalf of the appellant, seeking leave to file this criminal appeal.



The appellant happens to be the victim and informant of the present case and, therefore, she is permitted to file and pursue this appeal.

Accordingly, I.A. No. 1447 of 2018 stands disposed of.

3. This criminal appeal has been preferred against the Judgment of acquittal dated 06.03.2018 passed by the learned Additional Sessions Judge-I- cum Special Judge, Katihar, in G.R. No.3572 of 2016, by which and whereunder the learned Additional Sessions Judge-I-cum-Special Judge, Katihar, acquitted the respondent nos. 2, 3 and 4 from the charges framed against them for the offences punishable under Sections 376, 447, 504, 506 of the Indian Penal Code and Sections 3(1)(v) and 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. In our view, this criminal appeal can be disposed of on the admission stage itself.

5. S.C./S.T. Katihar P.S. Case No. 16 of 2016 was registered on the basis of the fardbeyan of the appellant, who claimed in her fardbeyan that the respondent no.2 took her naked photographs and prepared video, while she was taking bath and on the basis of the aforesaid photographs and video, respondent no.2 started blackmailing her and also compelled her to enter into physical relationship with him. The appellant further claimed that due to aforesaid blackmailing, she became bound to surrender before the



respondent no.2 and she permitted the respondent no. 2 to establish physical relation with her. She further claimed that the aforesaid physical relation continued for 6 to 7 years and, subsequently, her husband came to know about the aforesaid incident and, thereafter, her husband deserted her. She further claimed that respondent nos. 2, 3 and 4 threatened to kill her and, thereafter, she lodged the present case.

6. In course of trial, the appellant as well as her father and uncle supported the prosecution case, whereas her Gotni and other independent witnesses did not support the prosecution case. However, the impugned Judgment also goes to show that the appellant entered into compromise twice with the respondent nos.2, 3 and 4 and also filed a petition for withdrawal of the case, however, it appears that the matter could not be materialized and no order on withdrawal petition was passed.

7. The impugned Judgment further goes to show that the learned trial court acquitted the respondent nos.2, 3 and 4, taking note of this fact that the appellant was a consenting party and she brought the case after 6 to 7 years of the alleged occurrence.

8. Furthermore, the impugned Judgment goes to show that the learned trial court has well discussed the evidences, available on the record, and in our view, there is no need to interfere into the findings given by the learned trial court.

9. However, learned counsel appearing for the



appellant assailed the impugned Judgment of acquittal, arguing that the appellant as well as her father and uncle supported the prosecution case but the learned trial court gave undue weightage to the defence evidence and, accordingly, committed error in coming to the conclusion of acquittal but we are not, at all, satisfied with the submission advanced on behalf of the appellant and with due respect, we differ with the submission advanced by the learned counsel appearing for the appellant.

10. It is well settled principle of law that if two views are possible on same set of evidence, the view adopted by the learned trial court cannot be discarded only on the ground that on the same set of fact and evidence, another view is also possible.

11. Considering the aforesaid facts and circumstances as well as the submissions of the parties, we do not find force in this criminal appeal and, accordingly, this criminal appeal stands dismissed on the admission stage itself.

(Hemant Kumar Srivastava, J)

(Rajendra Kumar Mishra, J)

Pradeep Srivastava/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	04.01.2019.
Transmission Date	04.01.2019.

