

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.1254 of 2018

Arising Out of PS. Case No.-100 Year-1997 Thana- NATHNAGAR District- Bhagalpur

Anwar Khurshid Alam S/o Late Anwar Azam Ansari Resident of Mohalla-
Goal Kothi Momin Tola, P.S. Nath Nagar, Dist.-Bhagalpur.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Bibi Fazilat Khanam D/o Late Md. Zafar Khan Mohalla Sarai Road Sarai
P.S.-Tatarpur, Dist.-Bhagalpur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Chandra Bhushan Das, Adv

For the Respondent/s : Mr.Sri Anuj Kumar Srivastava,APP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

4 30-04-2019 Heard learned counsel for the parties.

This criminal revision has been preferred against judgment dated 30.07.2018 passed by the learned A.D.J.- 1st, Bhagalpur in Cr. Appeal No.81 of 2001, whereby the appeal filed by the appellant and others against judgment of conviction and order of sentence dated 20.07.2001 passed in G.R.No.1067 of 1997 has been dismissed. The appellants were convicted under Section 498A I.P.C. for two years and under Section 323 I.P.C. for six months by the learned Trial Judge.

The two pages judgment of the learned lower appellate court does not depict consideration of evidence on



the record, assignment of reason for acceptance of evidence of one side or rejection of evidence of other side and non-consideration of submission of learned counsel for the parties which apparently shows a case of non-application of judicial mind.

In the result, the impugned judgment and order passed by the learned lower appellate court is hereby set aside and the matter is remitted back to the learned court below to pass necessary order according to law.

Accordingly, this criminal revision application is allowed.

Petitioner is in custody. Let the petitioner, above named, be released on bail **till disposal of this appeal** on furnishing bail bond of Rs.5,000/- (Five Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with G.R.No.1067 of 1997/Tr.No.556 of 2001.

Let it be communicated to the learned court below.

In my view, a bare perusal of the impugned judgment shows that the judicial officer concerned requires some training how to deal with the criminal appeals against the judgment of the learned trial court.



Hence, let a copy of the impugned judgment as well as this order be placed before Hon'ble the Chief Justice for needful.

(Birendra Kumar, J)

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