

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (DB) No.896 of 2019

Arising Out of PS. Case No.-95 Year-2013 Thana- MAHILA P.S. District- Siwan

PAKEEZA SHAHIN @ PAKEEGA SHAHIN Sex Female Aged about 23 years, D/O - Serajul Haque, Resident of Village - Jogapur Kothi, P.S.- Jamo Bazar, District- Siwan

... .. Appellant/s

Versus

1. The State of Bihar
2. Babar Hussain @ Pappu Son of Md. Mustafa
3. Md. Mustafa Son of Late Safayat Hussain
4. Merajuddin Son of Md. Mustafa
5. Akhtar Hussain @ Motu Son of Md. Mustafe
All 2 to 5 are Resident of Village - Bhelapur Chadi Bazar, P.S.- G.B. Nagar Tarwana, District- Siwan

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Javed Aslam
For the Respondent/s : Mr.Dr. Mayanand Jha

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA

and

HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA)

Date : 21-08-2019

1. Heard learned counsel appearing for the appellant as well as learned Additional Public Prosecutor for the State on the point of admission.

2. In our view, this appeal can be disposed of on admission stage itself.

3. The appellant happens to be the informant of Siwan Mahila P.S. Case No. 95/2013 and she is aggrieved by the



impugned judgment of acquittal dated 11.06.2019 passed by learned Sessions Judge, Siwan in Sessions Trial No. 110 /2015 by which and whereunder learned Sessions Judge acquitted the respondents No. 2 to 5 from the charges under Sections 504, 420/34, 376 and 493 of the Indian Penal Code.

4. Learned counsel appearing for appellant challenged the impugned judgment of acquittal submitting that the learned trial court failed to appreciate the prosecution evidence in right perspective as the result whereof learned trial court committed error in acquitting the respondent Nos. 2 to 5. Learned counsel of the appellant, further, submitted that the appellant as well as other witnesses, categorically, stated before the trial court that the respondent No. 2 on the assertions of false promise of marriage established physical relation with the appellant and, subsequently, he solemnized his marriage with appellant during pendency of the trial but again deserted the appellant. He, further, submitted that learned trial court unnecessarily taken note of minor contradictions and, therefore, the impugned judgment of acquittal cannot sustain in eye of law.

5. On the other hand, learned Additional Public Prosecutor submits that the learned trial court has passed a well



discussed judgment and there is no need to interfere into the impugned judgment of acquittal.

6. Having heard the above stated contentions of both the parties, we went through the impugned judgment.

7. It is well known legal principle that the innocence of an accused is presumed and the aforesaid presumption of innocence becomes more stronger after acquittal.

8. The perusal of the impugned judgment goes to show that the learned trial court has discussed all the evidences available on the record and after careful analysis of the evidences came to conclusion that prosecution failed to prove its case beyond all shadow of reasonable doubts. It is well settled principle of law that if two views are possible on the same set of evidences, the view adopted by the trial court shall prevail unless the view of the trial court suffers from perversity, illegality or impropriety or the view of the trial court is without consideration of the prosecution evidence but the impugned judgment goes to show that neither there is any perversity nor illegality in the impugned judgment and, therefore, we are of the view that this criminal appeal is liable to be dismissed on admission stage itself.

9. Accordingly, this criminal stands dismissed on



admission stage itself.

(Hemant Kumar Srivastava, J)

(Prabhat Kumar Singh, J)

Spd/-

AFR/NAFR	AFR
CAV DATE	NA
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