

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.923 of 2015

Arising Out of PS. Case No.-21 Year-1997 Thana- VIJAYEPUR District- Gopalganj

Ramavatar Gond, Son of Fulchand Gond, resident of Village- Mishir Ghaila,
P.S- Bijaipur, District Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ramagya Gond, son of Shivnandan Gond. (Deleted by order dated 30.08.2018)
3. Subash Gond. All sons of Ramagya Gond.
4. Malakh Gond.
5. Rudal Gond.
6. Gangotri Devi, Wife of Ramagya Gond.
7. Nirmala Devi, wife of Subash Gond.
8. Sushila Devi, wife of Ramesh Gond, All residents of Village Mishir Aghaila
P.S Bijaipur District Gopalganj.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Sunil Kumar, Advocate. Mr. Smiti Bharti, Advocate.
For the State	:	Mr. Dashrath Mehta, A.P.P.
For the O.P. No. 2 to 8	:	Mr. Dharmaveer, Advocate.

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL JUDGMENT

Date : 30-08-2019

Heard learned counsel for the petitioner, learned counsel
for the opposite party nos. 3 to 8 and the learned counsel for the
State.

2. This Criminal Revision is directed against the
Judgment dated 15.09.2015 passed in Sessions Trial No. 03 of
1998, whereby and whereunder, the learned Additional Sessions
Judge-IV, Gopalganj, acquitted the respondent nos. 3 to 8, namely,
Subash Gond, Malakh Gond, Rudan Gond, Gangotri Devi,



Nirmala Devi and Sushila Devi for the charges of Sections 147, 323, 342 and 302/149 of the Indian Penal Code.

3. Learned counsel for the petitioner submits that on 25.03.2010, the charge was amended by framing the charge under Sections 302/149 of the Indian Penal Code against all accused persons, after examination of all seven accused including opposite party nos. 3 to 8 but without giving opportunity of further examination of the prosecution witnesses, the learned Additional Sessions Judge-IV, Gopalganj, passed the impugned Judgment, which is illegal.

4. On perusal of the impugned Judgment, it appears that the learned Additional Sessions Judge-IV, Gopalganj, considering the evidence available on record arrived at conclusion that prosecution has not been able to prove the charges against respondent nos. 3 to 8 including respondent no.2 under Sections 147, 323, 342 and 302/149 of the Indian Penal Code.

5. The record shows that on 18.09.1999, charges under Sections 302, 323, 342 and 147 of the Indian Penal Code were framed against respondent nos. 6 to 8, namely, Gangotri Devi, Nirmala Devi and Sushila Devi and under Sections 323, 342 and 147 of the Indian Penal Code against respondent nos. 2 to 5, namely, Ramagya Gond, Subash Gond, Malakh Gond and Rudal



Gond. After recording the evidence of prosecution witnesses and the statement of accused respondent nos. 2 to 8 on the prayer of the learned Additional Public Prosecutor, the charge under Section 302/149 of the Indian Penal Code was also framed on 25.03.2010 against respondent nos. 2 to 8, hence, there was no occasion for examine the prosecution witnesses again. The record also shows that no such prayer was made by the prosecution also to further examine the prosecution witnesses.

6. As such, I find no any illegality in the impugned Judgment dated 15.09.2015 passed in Sessions Trial No. 03 of 1998 and, accordingly, this criminal revision stands dismissed.

(Rajendra Kumar Mishra, J)

Bhardwaj/-

AFR/NAFR	
CAV DATE	
Uploading Date	11.09.2019
Transmission Date	11.09.2019

