

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.535 of 2019

Arising Out of PS. Case No.-892 Year-2001 Thana- MADHUBANI COMPLAINT CASE
District- Madhubani

=====

Harekrishna Jha, aged about 80 years (Male), Son of Late Parmanand Jha,
Resident of Village-Bhakhrai, P.S-Madhepur, District-Madhubani.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Ramphal Mahto Son of Palat Mahto Resident of Village-Kharhara,P.S-Bheja, District-Madhubani.
3. Badri Mahto Son of Raghunath Mahto Resident of Village-Kharhara,P.S-Bheja, District-Madhubani.
4. Laxmi Mahto Son of Raghunath Mahto Resident of Village-Kharhara,P.S-Bheja, District-Madhubani.
5. Mahavir Mahto Son of Chhatu Mahto Resident of Village-Kharhara,P.S-Bheja, District-Madhubani.
6. Mangal Mahto Son of Chhatu Mahto Resident of Village-Kharhara,P.S-Bheja, District-Madhubani.
7. Shiva Mahto Son of Palt Mahto, Resident of Village-Kharhara,P.S-Bheja, District-Madhubani.

... .. Respondents

=====

Appearance :

For the Petitioner/s : Mr.Gagan Deo Yadav
For the Respondent/s : Mr.Dr. Ajeet Kumar

=====

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

7 18-02-2020 The complainant – petitioner is seeking setting-

aside of the judgment dated 16.01.2019 passed in Cr.

Appeal No. 24/2018 by the learned Sessions Judge,

Madhubani, whereby the learned Sessions Judge has been

pleased to affirm the judgment dated 02.02.2018 passed by

learned A.C.J.M. - II, Jhanjharpur in Complaint Case No.

892/2001/Tr. No. 1161/2018 acquitting all the accused



persons from the charges under Sections 147, 323, 379 of the Indian Penal Code.

Learned counsel for the petitioner submits that the learned court below have failed to consider the fact that all the witnesses have supported the prosecution story and despite the materials available on the record, the learned Magistrate acquitted all the accused persons and the said judgment has been affirmed by the learned appellate court.

On the other hand, learned counsel for the State has opposed this application, as according to him, altogether four witnesses were produced on behalf of the complainant - petitioner. P.W.3 who is the grand son of the complainant has stated that he had not seen the alleged occurrence. P.W.4 who is said to be the complainant is not an eye witness in this case and in his examination-in-chief also he failed to state as to how he got the information regarding the alleged occurrence. He had not seen any injury on the body of the Ashok Jha and Mahendra Jha who are P.W.1 and P.W.2 respectively. Both learned court below have found inconsistency in the statement of P.W.1 and P.W.2 as well.

Having heard learned counsel for the petitioner



and learned counsel for the State as also on perusal of the materials available on the record, this court finds that both the courts below have appreciated the evidences adduced on behalf of the complainant and have recorded the concurrent finding of facts. It is not for the revisional court to re-appreciate the evidences and form it's opinion thereon. There being no perversity with the impugned order, this court finds no reason to interfere with the the same.

This Revision Application has, thus, no merit. It is dismissed accordingly.

(Rajeev Ranjan Prasad, J)

Rajeev/-

U		T	
---	--	---	--

