

IN THE HIGH COURT OF JUDICATURE AT PATNA

SLA No.70 of 2019

Arising Out of PS. Case No.-803 Year-2012 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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SANGITA DEVI, Wife of Sanjive Kumar @ Sitaram Singh, Resident of Village - Chauth, P.S. - Muffasil, District - Samastipur. At Present daughter of Ramudgar Mahto, resident of Village Ekdara, P.O. Boriya, P.S. Bibhutipur, District - Samastipur.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. Ram Chandra Mahto, Son of Late Ragunandan Mahto, Resident of Village - Jitwarpur Chauth, P.S. - Muffasil, District - Samastipur.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Md. Hussamuddin Azad, Advocate
For the Respondent/s : Mr. Abha Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 19-02-2020 Heard learned counsel for the parties.

There is delay of eight days in filing of this application, under Section 378(4) Cr.P.C., for Leave to Appeal against judgment of acquittal. The delay is explained in I.A. No. 01 of 2019.

Hence, the delay is condoned.

Accordingly, I.A. No. 01 of 2019 stands disposed of.

This appeal is against judgment of acquittal passed by the learned lower appellate court in Cr. Appeal No. 09 of 2018 whereby respondent no. 2 was acquitted of the charges under Section 323 and 354 of the Indian Penal Code by reversing the judgment of conviction.



Admittedly, the complainant/appellant was married with elder son of the respondent no. 2, namely, Sanjive Kumar @ Sitaram Singh. Marital discord started between the two which resulted in earlier criminal cases brought by the appellant under Section 498A of the Indian Penal Code. The matter was compromised and subsequently appellant married with Sanjay Kumar, the second son of respondent no. 2. The respondent no. 2 had also lodged Samastipur Mufassil P.S. Case No. 559 of 2011 against the appellant alleging therein that she was carrying extra marital relationship.

In the aforesaid background, the learned lower appellate court had doubted the trustworthiness of the prosecution witnesses, namely, P.W. 1 Sangita Devi-the appellant, P.W. 2 Sanjay Kumar-the son of respondent no. 2 with whom appellant had allegedly married. P.W. 3 Savita Devi the daughter of respondent no. 2.

Considering the material on the record and the finding of the lower appellate court which is consistent with the evidence on record, I do not think that the impugned order requires re-consideration. Hence, prayer for leave to appeal is refused.

(Birendra Kumar, J)

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