

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (DB) No.360 of 2021

Arising Out of PS. Case No.-6 Year-2015 Thana- EKCHARI District- Bhagalpur

Shastri Kumar Singh Son Of Maheshwar Prasad Singh Resident Of- Quarter
No. -3/8, C.P.W.D. Colony, New Punaichak, Police Station - Puniachak,
District – Patna. Appellant/s

Versus

1. The State of Bihar
2. Madsudan Mandal @ Sudhwa S/O- Jagdeo Mandal @ Jagdi Mandal R/O
Village - Khawaspur, North Tola, P.S. - Ekchari, District - Bhagalpur.
... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sarva Deo Singh, Advocate
For the Respondent/s : Mr. A.P.P

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

and

HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH)

4 19-07-2022 This appeal has been filed under Section 372 of the Criminal Procedure Code for setting aside the judgment of acquittal dated 14.11.2019 recorded by the learned 4th Additional Sessions Judge, Bhagalpur in Sessions Trial No. 768 of 2016. By the said judgment, the respondent no. 2 has been acquitted of the charge of offence punishable under Section 302/34 of the Indian Penal Code.

The appellant claims to be the full brother of the deceased and, therefore, falls within the definition of victim to maintain this appeal against acquittal.

Mr. Sarva Deo Singh, learned counsel appearing on behalf of the appellant has submitted that though, upon thorough investigation, the Police found the case to be true against



respondent no. 2, the Trial Court, without duly appreciating the evidence of P.W-3, the son of deceased, has recorded judgment of acquittal. He has submitted that, though it is a case of circumstantial evidence, on the basis of evidence adduced at the trial, the Trial Court ought to have recorded conviction of respondent no. 2.

We have carefully gone through the impugned judgment of the Trial Court. We do not find reference to any evidence adduced at the Trial Court, which could be the basis for recording conviction of the respondent no. 2 for the charge punishable under Section 302 of the Indian Penal Code. The judgment of the Trial Court, in our view, does not suffer from any such legal infirmity as would require this Court to interfere with the said judgment. It is not the case of the appellant that the evidence adduced at the trial have not been noticed by the Trial Court in its impugned judgment. We, therefore, do not find any ground to admit this appeal.

The appeal is accordingly dismissed.

(Chakradhari Sharan Singh, J)

(Khatim Reza, J)

Gaurav Kumar/-

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