

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.120 of 2017

Arising Out of PS. Case No.-98 Year-2001 Thana- BARHAT District- Jamui

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Bhairo Prasad Burnwal Son of Late Sahdeo Prasad Burnwal, resident of Village Barhat, Tola, Devaiya, P.S. Barhat, District- Jamui.

... .. Petitioner/s

Versus

1. The State Of Bihar
 2. Gidda Murmu Son of Sukhoo Murmoo.
 3. Baddu Murmu, Son of Sukhoo Murmu.
 4. Munsu Murmu, Son of Sukhoo Murmu.
 5. Sukhu Murmu Son of Akal Murmu.
 6. Bageshwar Murmu, Son of Akal Murmu.
 7. Sheolal Murmu, Son of Bageshwar Murmu.
 8. Pano Devi, Wife of Sukho Murmu.
 9. Fulia Devi, Wife of Bageshwar Murmu.
 10. Barki Devi, Wife of Munsu Murmu.
- All are resident of Village Barhat, Tola, Dobariya, P.S. Barhat, District- Jamui.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Pankaj Kumar Sinha
For the Respondent/s : Mr.Binod Kumar 2

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 23-02-2023 This criminal revision application has been filed against order/judgment dated 30.09.2016 passed in Cr. Appeal No. 41 of 2009 by learned Additional District and Sessions Judge III, Jamui whereby the learned Appellate Court has acquitted the respondents under Section 144 of the I.P.C. and confirmed the conviction under Section 379 of the I.P.C., but Sessions Court gave them (respondents) benefit under the



Probation of Offenders Act.

The prosecution case, in brief, is that on 07.12.2001, all the accused named in the F.I.R. came, armed with various weapons, and looted the paddy crops of the informant (petitioner herein). It is further alleged that on the order of Sukhoo Murmu (respondent no. 5), Sheolal Murmu (respondent no. 7) assaulted the informant with Teer (bow), which hit him on the hand and thereafter, the accused persons threatened him with dire consequences.

Altogether, eight witnesses have been examined by the prosecution besides documentary evidence during trial in order to prove the case of the prosecution.

In defence, neither any witness nor any chit of paper was produced.

It is submitted on behalf of petitioner that the Appellate court has failed to appreciate the evidence in right perspective and order of acquittal and release of the respondents under Probation of Offenders Act is not in accordance with law. The trial court, considering the entire evidence, convicted the respondents under Sections 144 and 379 of the I.P.C. and the Appellate court has committed an error while appreciating the evidence of the prosecution case and thereby, caused



miscarriage of justice.

Having heard learned counsel for the parties and having gone through the materials available on record, this Court does not find any error in the impugned order. The Appellate court, on consideration of materials available on record, gave the findings, which cannot be said to be perverse. It is settled law that unless any blatant illegality or substantial error is proved in order of acquittal, no interference can be made.

I do not find any merit in this criminal revision application and is, accordingly, dismissed.

(Prabhat Kumar Singh, J)

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