

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.714 of 2017

Arising Out of PS. Case No.-104 Year-2010 Thana- JAHANABAD District- Jehanabad

Baikunth Sharma Son of late Rajnandan Sharma Resident of Mohalla-
Chamara Godown Area Jehanabad and P.S. District- Jehanabad.

... .. Petitioner/s

Versus

1. State Of Bihar and Anr
2. Ram Niwas Sharma Son of Ram Nandan Sharma Resident of Mohalla-
Chamara Godown Area Jehanabad and P.S. District- Jehanabad.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Apurva Kumar, Adv.
	:	Mr. Santosh Bharti, Adv.
For the Respondent/s	:	Mr. Sri Ram Priya Saran Singh, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

5 11-04-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The present Cr. Revision Application has been filed against the judgment dated 24.03.2017 passed in Cr. Appeal No.73 of 2016 by Ld. Sessions Judge, Jehanabad upholding the judgment of acquittal of accused respondent no.2 dated 15.09.2016 passed in Trial No.662 of 2016 (G.R. Case No. 378 of 2010) arising out of Jehanabad P.S. Case No.104 of 2010.

Counsel for petitioner submits that the present case is a fit case to be entertained and the appeal is directed to be heard.

Counsel further submits that the informant was always ready to adduce evidence but no information was

communicated to him to adduce evidence and he could not turn up.

Counsel for the State submits that not a single witness has been examined in this case. It has also been mentioned that in the lack of evidence, the accused were acquitted and come out from response of bail.

After going through the judgment passed by both Original Court as well as Appellate Court, it transpires to the court that evidence of prosecution witnesses if not taken place and after giving opportunity to the informant and other witnesses, the impugned judgment has been passed and after fulfilling all the criteria, the judgment has been passed.

It is a consistent finding of 2 Courts about the acquittal and neither legality nor propriety or correctness have been raised in the said judgment.

Accordingly, this Cr. Writ Application is hereby **dismissed** and the judgment/ order dated 24.03.2017 passed by in Cr. Appeal No.73 of 2016 by Ld. Sessions Judge, Jehanabad and order dated 15.06.2016 passed in Trial No.662 of 2016 by A.C.J.M., Jehanabad arising out of Jehanabad P.S. Case No.104 of 2010 is hereby affirmed.

(Dr. Anshuman, J.)

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