

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4373 of 2022

Arising Out of PS. Case No.-121 Year-2017 Thana- RAJNAGAR District- Madhubani

DHARMNATH JHA Son of Late Shobha Krishna Jha Resident of Village-
Chakdah, P.S.- Rajnagar, District- Madhubani

... .. Appellant/s

Versus

1. The State of Bihar
2. Vidhyanand Jha Son of Late Shobha Krishna Jha Resident of Village-
Chakdah, P.S.- Rajnagar, District- Madhubani
3. Suryanath Jha Resident of Village- Chakdah, P.S.- Rajnagar, District-
Madhubani

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Jawahar Pd. Singh
For the Respondent/s : Mr.Abhay Kumar

CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

5 05-09-2023

I.A. No. 1 of 2023

Heard learned counsel for the appellant and learned
counsel for the State.

Considering the submissions and the grounds stated in
the application, the prayer for condonation of delay is allowed.
The delay of 165 days in filing the present appeal is, hereby,
condoned.

Interlocutory application stands allowed.

Cr. Appeal (SJ) No. 4373 of 2022

This appeal has been filed challenging the judgment
dated 18.04.2022 passed in Sessions Trial No. 644 of 2022,



whereby and whereunder the respondent nos. 2 & 3 have been acquitted from the charges punishable under sections 341, 323, 354, 504 and 34 of the Indian Penal Code.

The judgment of acquittal has been challenged on the ground that the same is illegal, erroneous and bad in the eye of law. The trial Court should have given a notice to the informant to defend its case.

It appears that charges were framed on 03.06.2019 and after that summons were served to witnesses. After service of summons several opportunities were given to the prosecution to produce witness. Even after issuance of bailable warrant, the prosecution could not bring a single witness. After waiting for almost three years the prosecution evidence was closed on 31.01.2022 and finally the judgment of acquittal was passed on 18.04.2022.

In this view of the matter, I do not find any illegality or perversity in the judgment of acquittal passed by the trial Court. The appeal, being devoid of any merit, is dismissed at the stage of admission itself.

(Arvind Srivastava, J)

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