

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (DB) No.21 of 2021

Arising Out of PS. Case No.-212 Year-2018 Thana- MAJHAULIA District- West Champaran

Harilal Sah Son of Late Alga Sah Resident of Village - Jaimanglapur, P.O. -
Langadi, Ward No. 03, P.S.- Langadi, District - Parsa, Nepal.

... .. Appellant/s

Versus

1. The State of Bihar
2. Omprakash Sah Son of Rameshwar Sah Resident of Village - Jaukatiya,
P.S.- Majhauilya, District - West Champaran.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Bimlesh Kumar Pandey, Advocate
For the State	:	Mr. Abhimanyu Sharma, APP
For the Respondent No. 2:	:	Mr. Umesh Kumar Gupta, Advocate

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

and

HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA)

Date : 21-10-2024

1. We have heard Mr. Bimlesh Kumar Pandey, learned counsel for the appellant/informant, Mr. Umesh Kumar Gupta, learned counsel for the Respondent No. 2 and Mr. Abhimanyu Sharma, learned Additional Public Prosecutor for the State.

2. The present appeal has been preferred under Section 372 of the Code of Criminal Procedure (in short Cr.P.C.) by the appellant, Harilal Shah who is informant of Majhauilya P.S. Case No. 212 of 2018, against the judgment dated 31.01.2020 passed by the Court of Additional District & Sessions Judge 9th,



Bettiah, West Champaran in Sessions Trial No. 222 of 2018 (arising out of Majhaulia P.S. Case No. 212 of 2018) whereby the learned Trial Court has acquitted the Respondent No. 2, namely, Omprakash Sah from all the charges.

3. The prosecution story in brief is that the informant's daughter, namely, Renu Kumari (deceased) was married three years ago to one Omprakash Sah (Respondent No. 2). On 04.06.2018, the informant (appellant) has received information that due to non-fulfillment of demand of dowry, the deceased being killed by the Respondent No. 2 and his family members. Further alleged that they have also disposed of the dead body of the deceased and also misbehaved with the informant and other family members.

4. The informant (appellant) filed a written application describing the above allegations, upon that basis a formal F.I.R Majhaulia P.S. Case No. 212 of 2018 dated 05.06.2018 was registered under Sections



304B, 201 and 34 of the Indian Penal Code.

5. The police after investigation submitted chargesheet no. 366 dated 16.09.2018 for the offences under Sections 304B, 201 and 34 of the Indian Penal Code. However, on 30.04.2019 charge has been framed under Sections 304B/34, 201/34 and 302/34 of the Indian Penal Code.

6. The learned Trial Court after having examined the three witnesses on behalf of the prosecution acquitted the Respondent No. 2 of all charges. The respondent has not gave any evidence in his defence.

7. PW-1- Shivbachchan Ram was examined on 04.07.2019 and he is neighbor of Respodent No. 2, PW-2- Arun Sah was examined on 17.07.2019 who is cousin of Respondent No. 2 and PW-3- Manoj Kumar was examined on 08.08.2019 and no one have supported the case of the prosecution and they have also submitted before the Trial Court that good relation



prevailed between the deceased and the family members of the Respondent No. 2.

8. All the witnesses have stated that the deceased was ill (dysentery) and she has been examined by one Dr. Dubey at his clinic and after sometime she died and all the family members of the deceased has came to see her and after her death they have participated in cremation.

9. Learned counsel for the appellant/informant has submitted that the judgment in question was arbitrarily passed in a hurry without exhausting the required provisions of law at the cost of miscarriage of justice. It appears from the chargesheet that there were eight witnesses but no proper process was exhausted to secure the examination of the witness nos. 1 to 5 cited in chargesheet including the appellant. In view of the aforesaid, judgment of acquittal deserves to be interfered by this Court.

10. Learned counsel for the Respondent



No. 2 has submitted that the Trial Court judgment requires no interference as all the evidences adduced during the trial have been carefully examined and the Trial Court has rightly come to the conclusion that the accusation is wrong.

11. In such circumstances, the finding of the Trial Court regarding acquittal of the Respondent No. 2 cannot be said to be suffering from any perversity requiring this Court’s interference in the appeal against the acquittal.

12. We do not find any reason to interfere with the judgment of the acquittal of the Respondent No. 2.

13. The appeal, thus, stands dismissed.

(Ashutosh Kumar, J)

(Rajesh Kumar Verma, J)

Vanisha/-

AFR/NAFR	NAFR
CAV DATE	NA
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