

IN THE HIGH COURT OF JHARKHAND AT RANCHI

Cr. Rev. No.1517 of 2023

The Union of India through Inspector,
Railway Protection Force, Bhojudih, Bokaro.

... Revisionist(s)/ Petitioner(s)

Versus

1. Md. Mustkim Ansari, son of late Abdul Mannan, resident of village Ansar Muhalla, Shibalibari, P.O. and P.S. Chirkunda, District: Dhanbad.
2. Gyneshwar Prasad Barnwal, son of late Keshaw Prasad Barnwal, resident of village N.S. Role, Tej Pal Lane, Opposite to Mansha Mandir, Munshi Bazar, P.O. and P.S. Asansol, District: Bardhwan (W.B).
3. Manik Manjhi, son of Surendra Nath Manjhi, Resident of village Kesharkushal, P.O. and P.S. Chirkunda, District: Dhanbad.

... Opp. Party(s)

CORAM: HON'BLE MR. JUSTICE RAJESH KUMAR

For the Revisionist(s)/Petitioner(s) : Mr. Ravi Prakash, CGC.

For the O.P. : Mr.

05/04.12.2024: Heard.

2. Present revision has been filed against the order dated 08.09.2023, passed by learned Sessions Judge, Dhanbad in Acquittal Appeal No.16 of 2023 whereby judgment and order of acquittal dated 22.07.2022 passed by learned J.M. (Railway), Dhanbad in connection with R.P. Case No.51 of 2010 (T.R. No.535 of 2022) arising out of Bhojudih R.P.F. Post Case No.14 of 2010, has been affirmed.
3. It appears that the opp. Parties have been made accused for committing offence under Section 3(A) of R.P. (U.P.) Act, 1966.
4. Learned trial court after evaluating the evidence on record, has passed judgment of acquittal. Being aggrieved with that, Acquittal Appeal No.16 of 2023 has been preferred by the Railway-revisionist herein and vide impugned order dated 08.09.2023, learned Sessions Judge, Dhanbad has rejected the acquittal appeal on the ground of delay, affirming the judgment and order of acquittal dated 22.07.2022 passed by the learned J.M. (Railway), Dhanbad.
5. It has been submitted that delay has been well explained.
6. From perusal of both the orders, it appears that the incident is of the year 2010. Learned trial court has evaluated the evidence properly and thereafter, judgment of acquittal has been passed, which is quite reasonable. The appellate court has considered that even before the High Court, an appeal has been filed after delay of 180 days. This is the luxury of the Central Govt. that they can file appeal at their desire. The agony of the person is not under consideration. The accused who have earned judgement of acquittal on merits, cannot be harassed like this.
7. In view of the above discussions, I do not find any reason to entertain present criminal revision. Accordingly, the same is, hereby, dismissed.

(Rajesh Kumar, J.)