

(2019) 03 PAT CK 0027

In the Patna High Court

Case No : Criminal Appeal (Db) No. 219 Of 2019

Jagdish Prasad Yadav @ Jagdish Yadav

APPELLANT

Vs

State Of Bihar And Ors

RESPONDENT

Date of Decision : 26-03-2019

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 378(3)
Indian Penal Code, 1860 — Section 34, 302

Citation : (2019) 03 PAT CK 0027

Hon'ble Judges : Hemant Kumar Srivastava, J; Rajendra Kumar Mishra, J

Bench : Division Bench

Advocate : Shailendra Kumar Singh, Dilip Kumar Sinha

Final Decision : Dismissed

Judgement

Rajendra Kumar Mishra, J

1. Heard learned counsel appearing for the appellant as well as learned Additional Public Prosecutor for the State on I.A. No. 02 of 2019 as well as on the point of admission.
2. I.A. No. 02 of 2019 has been filed under Section 378(3) of the Cr.P.C. praying therein for grant of leave to pursue this criminal appeal.
3. The appellant-applicant happens to be father of deceased of the present case and, therefore, he comes under the purview of victim and has right to challenge the judgment of acquittal. Accordingly, I.A. No. 02 of 2019 stands allowed and the appellant-applicant is permitted to pursue this criminal appeal.
4. This criminal appeal has been preferred against the impugned judgment of acquittal dated 30.11.2018 passed by learned Additional Sessions Judge, F.T.C. No. II, Madhepura in Sessions Trial No. 62 of 2011 by which and whereunder he acquitted the respondent no. 2 from the charge framed against him for the offence punishable under Section 302/34 of the I.P.C.

5. The grievance of the appellant is that the learned trial court has not properly appreciated the prosecution evidence as a result whereof, the learned trial court has committed error in acquitting the respondent no. 2 but from perusal of impugned judgment, we find that learned trial court has given sound reasoning for acquittal of respondent no. 2 as the learned trial court has noticed that none had seen the actual killing of the deceased nor there was any circumstantial evidence to prove the guilt of respondent no. 2. Therefore, in the aforesaid circumstance, we do not find any ground to interfere into the impugned judgment of acquittal.

6. Accordingly, this criminal appeal stands dismissed on admission stage itself.