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**(2002) 02 PAT CK 0005**  
**In the Patna High Court**  
**Case No : Govt. Appeal No. 14 of 2001**

The State of Bihar

APPELLANT

Vs

Gopal Prasad Sharma and Ashok Kumar Jha

RESPONDENT

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**Date of Decision :** 21-02-2002

**Acts Referred:**

Penal Code, 1860 (IPC) — Section 120B, 400, 420, 467, 468

**Citation :** (2002) 2 PLJR 467

**Hon'ble Judges :** Chandramauli Kr. Prasad, J

**Bench :** Single Bench

**Advocate :** Lal Kailash Bihari, for the Appellant; Gajendra Kumar Jha, Bam Bahadur Jha and Sushil Kr. Jha, for the Respondent

**Final Decision :** Dismissed

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## **Judgement**

Chandramauli Kr. Prasad, J.—An application (Flag-A) has been filed for condoning the delay in filing this appeal.

2. Heard.

3. For the reasons stated in application the same is allowed. Delay in filing the appeal is condoned.

4. Heard on merits.

5. The State has preferred this application for grant of leave to appeal against the judgment dated 11.4.2001 passed by the Judicial Magistrate, 1st. Class Patna in G.R. Case No. 2524 of 1995 whereby it has acquitted the Respondents.

6. Altogether four persons including Respondent Nos. 1 and 2 were put on trial for the offence under Sections 467, 468, 471, 400, 420 and 120B of the Indian Penal Code.

7. According to the prosecution, accused persons forged the letter of a member of parliament as also the Chief Minister. The said letter was produced by the

accused Shankar Prasad and Shushil Kumar @ Shyam Kumar. The learned Magistrate by the impugned order has held them guilty. However, finding no material against these Respondents acquitted them of the charge.

8. From a perusal of the order of the learned Magistrate, it is evidence that the material produced during the course of trial does not prove beyond reasonable doubts the complicity of the Respondents in the crime. In that view of matter, I am of the opinion that the learned Magistrate did not err in acquitting these Respondents.

9. I do not find any error in the order impugned. Prayer, for grant of leave to appeal against the judgment of acquittal stands dismissed.