
(2011) 03 JH CK 0069

In the Jharkhand High Court

Case No : Acquittal Appeal (DB) No. 23 of 2009

The State of Jharkhand

APPELLANT

Vs

Krishna Singh and Others

RESPONDENT

Date of Decision : 28-03-2011

Acts Referred:

Arms Act, 1959 — Section 25(1B), 26, 27
Explosive Substances Act, 1908 — Section 3, 5
Penal Code, 1860 (IPC) — Section 147, 148, 149, 307, 34

Citation : (2011) 8 RCR(Criminal) 2264

Hon'ble Judges : Sushil Harkauli, J;Rakesh Ranjan Prasad, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

Sushil Harkauli, J.—Although this matter has been listed for orders on the ground that fresh steps for service by the opposite party No. 11 have not been taken despite repeated opportunities, but with the assistance of the learned Counsel for the State and learned Counsel for the Respondent No. 1 and the learned Counsel for the informant we have heard the matter on merits.

2. This is an appeal against the acquittal of the 11 accused jointly tried under Sections 147, 148, 307/34 and 307/149 I.P.C. and Sections 25(1-B), 26/27 of the Arms Act and 3/5 of the Explosive Substance Act.

3. The prosecution story is that on 29.03.1991, i.e. 20 years ago, at about 7.00 a.m. all the accused armed with pistols, bombs, lathi and Farsa surrounded the house of the victim. Several bombs were exploded, according to the prosecution case however, there is one single injury of lathi. Although it has been alleged that some splinter injuries were also received by some other persons but no injury report was brought on record, neither the Doctor who had examined the injuries was examined as a prosecution witness. In the circumstances, the trial Court has acquitted the accused in this case of large scale implication of as many as 11 accused.

4. Considering the above facts, we are of the opinion that this judgment of acquittal does not call for any interference. Accordingly, this appeal against the acquittal is dismissed.