
(2013) 12 PAT CK 0090
In the Patna High Court
Case No : Criminal Appeal (SJ) No. 25 of 2002

Tiro Sahni

APPELLANT

Vs

State of Bihar

RESPONDENT

Date of Decision : 13-12-2013

Acts Referred:

Citation : (2014) 2 BBCJ 127 : (2014) 1 BLJud 132

Hon'ble Judges : Smt. Anjana Prakash, J.

Bench : Single Bench

Advocate : Mr. Navin Kumar Thakur, Advocate, for the Appellants; Mr. Anil Kr. Singh-I, A.P.P, for the Respondent

Final Decision : Allowed

Judgement

Smt. Anjana Prakash, J.(Oral)—All the Appellants have been convicted under Sections 323 and 448 I.P.C. The Appellants No.1 and 3 have further been convicted under Section 379 I.P.C. and Appellant No.2 under Section 3(i) of the SC/ST of Prevention of Atrocities Act, but they were ordered to be released on probation of good conduct for maintaining peace and good behaviour for a period of one year by a judgment dated 10.12.2001 passed by the 1st Additional Sessions Judge-cum-Special Judge, SC & ST (Prevention of Atrocities) Act, Samastipur in Trial No.63 of 2001 (Complaint case No.201 of 1997).

2. The case of the Complainant Rudal Sada was that on 19.6.1997 the accused persons came and started abusing him and demolishing his house. When he protested, the accused assaulted him and committed theft of his house hold articles.

3. During trial the prosecution examined four witnesses in all. Out of whom, P.W.1 Sanjha Devi has admitted that she had inimical terms with the Appellants. P.W.2 Rudal Sada is the Complainant, who has corroborated the Complaint petition but in his cross examination he has admitted that on account of the action of the accused persons the land, which had been given to him, had been

cancelled, thus showing that there was enmity between him and the accused persons.

4. P.W.3 Jahuri Sada also supported the case of the Complainant to some extent as an eye witness and to others as hearsay. He admitted in his cross examination that he was the brother of the Informant.

5. P.W.4 Shivjee Sada also supported the case of the Complainant. It was suggested to him that on account of land dispute he had supported the prosecution case.

6. On going through the evidence of the witnesses, I find that admittedly there was land dispute between the parties and in this background it would be highly unsafe to rely on the sole testimony of the interested witnesses.

7. Hence, the appeal is allowed and the judgment passed against the appellants on 10.12.2001 by the 1st Additional Sessions Judge-cum-Special Judge, SC & ST (Prevention of Atrocities) Act, Samastipur in Trial No.63 of 2001 (Complaint case No.201 of 1997) is set aside. The appellants are acquitted and are discharged from the liabilities of their respective bail bonds.