
(2011) 04 PAT CK 0281

In the Patna High Court

Case No : Criminal Appeal (SJ) No. 168 of 1995

Umesh Raut and Others

APPELLANT

Vs

The State of Bihar

RESPONDENT

Date of Decision : 26-04-2011

Acts Referred:

Penal Code, 1860 (IPC) — Section 147, 148, 149, 307, 323

Citation : (2011) 04 PAT CK 0281

Hon'ble Judges : Anjana Prakash, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Anjana Prakash, J.—The Appellant No. 1 has been convicted u/s 147 IPC and sentenced to RI for one year whereas the Appellant Nos. 2, 6 and 7 have been convicted under Sections 323 and 147 IPC and sentenced to one year and six months respectively and Appellants No. 3, 4 and 5 have been convicted under Sections 324 and 148 IPC and sentenced to RI for one year and two years respectively by the Sessions Judge, West Champaran in S. Tr. No. 407 of 1989 by a judgment dated 09.08.1995.

2. The prosecution case is that on 24.04.1988 while the informant P.W. 1 was working in his fields suddenly the accused persons came there and assaulted him and others. The Appellants were initially charged u/s 307/149 IPC but they were acquitted of the charges and convicted as mentioned above.

3. The prosecution in all examined eight witnesses out of whom P.W. 1 is the informant and an eye-witness. P.W. 2 is also an eye-witness. P.W. 3 is on the motive of the occurrence also as given an eye-witness account. P.W. 6 and P.W. 7 have also given an eye-witness account. P.W.8 is the Investigating Officer whereas P.W. 4 is the Doctor who examined the injured.

4. On going through the evidence of the material witnesses there is no doubt that all the witnesses have fully supported the case of the prosecution that the

prosecution party was assaulted on account of earlier dispute with regard to mango trees. They have all supported the manner of assault resorted to by the accused persons. Further, the prosecution case is also supported by the Doctor who had found injuries on the person of the informant, P.W. 1. The Investigating Officer found signs of trampling at the place of occurrence as also the cut mango trees at the place of occurrence.

5. Under the circumstances, in view of the fact that the prosecution has discharged its primary duty in proving its case beyond all reasonable doubt, I am not inclined to interfere with the conviction of the Appellants. However, sentence is modified to the one that they have already undergone during trial.

6. In the result, the appeal is dismissed with the modification as aforesaid.