
(2011) 09 PAT CK 0119

Patna High Court

Case No: Criminal Appeal (U/S) No. 4 of 1998

Saryu Prasad Singh @
Saryug Prasad

APPELLANT

Vs

The State of Bihar,
Abdul Aziz Mansoori,
Anwarul and Ansarul

RESPONDENT

Date of Decision: Sept. 28, 2011

Acts Referred:

- Penal Code, 1860 (IPC) - Section 379, 406, 420

Hon'ble Judges: Gopal Prasad, J

Bench: Single Bench

Final Decision: Dismissed

Judgement

Gopal Prasad, J.

Heard learned Amicus Curiae and learned counsel for the State.

2. This appeal is directed against the order of acquittal passed by Shri Ashok Kumar Singh, Judicial Magistrate, Ist Class, Purnea, in Complaint Case No. 486 of 1992 (T.R. No. 369 of 1997) by which he has acquitted the accused persons for offence under Sections 420, 406 and 379 of Indian Penal Code.

3. The prosecution case as alleged that accused persons agreed to sale the land after taking part of the consideration money even during the agreement accused persons have sold the land to another person and has not returned the money on the pretext that he will give another land. It is further alleged that accused persons have cheated and has took the cycle and jhola.

4. On the complaint the case proceeded and during trial witnesses were examined and trial court after considering the evidence of witnesses acquitted the accused persons on the ground that they have failed to prove the charges beyond reasonable doubt.

5. From perusal of the record and evidence of witnesses, it is apparent that alleged agreement appears to be suspicious and the date of agreement is not specific nor there is mentioned that what was the date fixed in Ekrarnama or agreement and further there is also contradiction in snatching of the articles.

6. Hence I do not find any merit in this appeal. Moreover, the occurrence is of the year 1991. Accordingly, this appeal is dismissed.