

Md. Raqemuddln and ors. Vs. State of Bihar

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SooperKanoon Citation : sooperkanoon.com/132956

Court : Patna

Decided On : Mar-06-2002

Judge : S.N. Pathak, J.

Appeal No. : Criminal Revision No. 683 of 2000

Appellant : Md. Raqemuddln and ors.

Respondent : State of Bihar

Disposition : Revision Dismissed

Judgement :

S.N. Pathak, J.

1. This revision is directed against judgment dated 20-11-2000 passed by the Addl. Sessions Judge II, Nawadah, in Session Trial No. 297/89/11/98. The revisionists were convicted under Sections 448 and 323, IPC and they were directed to furnish bond to maintain peace and to be of good behaviour.

2. It has been submitted by the revisionists' lawyer that there was case filed against the informant and others for the occurrence in the year 1984 which has ended in conviction on 17-5-2000. So, this false case was filed against the revisionists.

3. As per allegation, revisionists entered the compound of the informant and exploded a bomb but the doctor did not find any bomb injury on the person of the informant. No splinter, etc. was found at the place of occurrence. So, the story of explosion of bomb is concocted one. All the witnesses examined in this case are inter-related and they were not specific that the revisionists had entered the house of the informant. However, on perusal of the judgment of the Court below, it appears that the informant and his wife supported the fact that the revisionists scaled over the compound wall, entered the compound. So, two persons were on the staircase and something like bomb was hurled. The Court below, however, disbelieved the story of the informant and came to the conclusion that the informant might have received injury by brick-bats. Whatever may be the case, this much is established on record that the revisionists had entered the house of the informant in the night between 17/18 August, 1987. So case of trespass which constitutes the offence under Section 448, IPC is very much there. Even if it is assumed that the informant manufactured the story of explosion of bomb. At least occurrence of trespass was very much there. I do not find that the informant might have concocted the story as alleged on account of the case filed by the revisionists in the year 1984. Circumstances, therefore, show that some occurrence, of course, took place in the house of the informant on the alleged night.

4. I do not find that there is any illegality or irregularity in recording the findings by the trial Court. There is no mis-application of procedural law in conducting the trial. The Court was rather lenient in setting aside the order of punishment.

5. In the result, this revision is dismissed.