

**Man Singh Vs. State of Bihar**

**Man Singh Vs. State of Bihar**

**SooperKanoon Citation :** [sooperkanoon.com/135442](http://sooperkanoon.com/135442)

**Court :** Patna

**Decided On :** Jan-24-2002

**Judge :** Someshwar Nath Pathak, J.

**Acts :** Railway Property (Unlawful Possession) Act, 1966 - Sections 3; [Evidence Act, 1872](#) - Sections 24

**Appeal No. :** Crl. Rev. No. 100 of 2000

**Appellant :** Man Singh

**Respondent :** State of Bihar

**Advocate for Def. :** Ali Mozaffar, Adv.

**Advocate for Pet/Ap. :** Ranjan Kumar Sinha, Adv.

**Disposition :** Petition dismissed

**Judgement :**

**Someshwar Nath Pathak, J.**

1. This revision is directed against the judgment passed by Sri R.P. Sharma, IVth, Additional Sessions Judge, Samastipur, in Cr. Appeal No. 163/98 confirming the judgment of the trial Court dated 25-11-1998 passed by Sri R.P. Yadav, Judicial Magistrate, 1st Class (Railway), Samastipur, in Trial No. 38/98. The revisionist

was convicted under Section 3 of the Railway Property (Unlawful Possession) Act and he was sentenced to pay a fine of Rs. 1000/- and in default to undergo S.I. for six months.

2. As alleged, one Ram Deo Rai was caught at the railway workshop on 2-5-1987 at 10.45 while lifting two bundles which contained scraps used in repairing wagons. Ram Deo Rai was arrested by the R.P.F. personnel and during the course of enquiry by the R.P.F. Ram Deo Rai made his confession (Ext. 4), on the basis of which the revisionist was implicated in this case. It is further submitted that this confessional statement should not have been used as evidence for convicting the revisionist, specially when he was not caught at the spot nor anything was recovered from his possession.

3. The witnesses examined during the course of trial all had spoken of the alleged arrest of Ram Deo Rai on the relevant date and at the relevant time from near the workshop. Ext. 4 was also produced as evidence on the basis of which the Court convicted the revisionist, Ext. 4 contained the statement of Ram Deo Rai to the effect that he was called by Mathura Ram and the revisionist Man Singh to the workshop and at the order of Man Singh, Mathura Ram opened the gate of the workshop. Ram Deo Rai was asked to lift the two bundles and when he was pulling out the bundles from the workshop he was detected by the R.P.F. personnel and was arrested and prosecuted. The aforesaid confessional statement implicating Ram Deo Rai as also the revisionist Man Singh was an extra judicial confession made during the course of enquiry by the Railway staff of the R.P.F. and, so, it was very much admissible under the provisions of the Act as also under the Evidence Act. The suggestions given to PWs were to the effect that since the railway employees had some grudge against the revisionist, the confessional statement was extorted from Ram Deo Ram. However, this grudge has not been specified as to what was the occasion for this grudge. Moreover, the accused in his statement under Section 313, Cr.P.C. failed to refer to the grudge and he also failed to give any cause for his enmity with his superiors. The accused has also failed to point out any enmity with Ram Deo Rai who would implicate him in this case without any satisfactory explanation on his part. In the aforesaid circumstances, this confessional statement (Ext. 4) could not be brushed aside by

the trial Court. Hence, I am of the opinion that there is no illegality in the order of conviction recorded by the two courts below.

4. In the result, I do not find that there is any legal necessity for the Court to interfere with the order passed by the Courts below. This revision is, accordingly, dismissed.

**SooperKanoon - India's Premier Online Legal Search - [sooperkanoon.com](http://sooperkanoon.com)**