

Shailsuta Devi Vs. the State of Bihar and ors

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Court : Patna

Decided On : May-19-2012

Appellant : Shailsuta Devi

Respondent : The State of Bihar and ors

Judgement :

IN THE HIGH COURT OF JUDICATURE AT PATNA Criminal Appeal (DB) No 1225 of 2011 Shailsuta Devi, wife of Sri Narayan Hariom, resident of village Rajoun, PS Rajoun, District Banka - Appellant Versus 1 The State of Bihar 2 Manoj Kumar @ Gopal Kapri, son of Kamleshwari Kapri 3 Amrita Sigri, wife of Manoj Kumar 4 Neeraj Paswan 5 Gopal Yadav, son of Ramanand Prasad, resident of Shivpur Colony, Patna - Respondents -----

19. 01.2012 Heard learned counsel for the appellant. This is an appeal against acquittal. The appellant is the informant who first filed a first information report alleging that her daughter-in-law had been abducted by her parents. Police investigated the case and filed a final report of mistake of fact. A protest petition was filed on which cognizance, having been taken, it was registered as a complaint case. The charge being under Sections 364/34 of Indian Penal Code, it was committed to the Court of Session. In the sessions trial that followed, the Court has acquitted the accused persons. We have gone through the judgment and we find no reason to interfere. The trial Court itself has noted in the judgment that the victim, who examined herself, turned hostile. Learned counsel for the appellant states that instead of the victim, it was in fact the victims sister who was

examined. We are surprised. The prosecution was on a private complaint. It was for the informant to see that the victim was examined. Learned counsel submits that the victim is staying with her parents and, as such, informant could not secure her presence. This itself shows 2 that the victim is not really complaining. She is with her parents. The plea of impersonation was raised in the Court below but the Court below enquired and rejected. We do not find any illegality or irregularity or perversity in the judgment under appeal. Leave to appeal is refused. The appeal is dismissed. M.E.H./ (Navaniti Prasad Singh) (Ashwani Kumar Singh)

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