

**Govt. Appeal No. 79 of 2001**  
**Old No.2374 of 1997**

**Hon'ble Irshad Hussain,J.**

Heard.

The appeal has been preferred against the judgment and order of acquittal of the accused for offences punishable under sections 323,427,337,504 and 506(2) of the I.P.C.

The allegation was that Medical Officer of the Government Dispensary was assaulted by the accused. The injury report was not filed and the independent witnesses had turned hostile. The learned Magistrate had taken into account this specific feature of the case and finding that there was no material to support the averment of the complainant as well as the evidence of the complainant-Medical Office held that the charge was not found proved beyond doubt.

Having gone through the material on record, I find myself in agreement with the learned Magistrate and considering this aspect, the leave to appeal is not granted.

Consign.

**(Irshad Hussain, J.)**

23.04.2002.  
Bhagat.