

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Revision No. 621 of 2010

1. Bandana Devi
2. Urvashi Devi
3. Karishma Kumari @ Karishma Kumar
4. Rishu Kumari @ Richu Kumari Petitioners
Versus
The State of Jharkhand Opposite Party

CORAM: HON'BLE MR. JUSTICE H.C. MISHRA

For the Petitioners :Mr. Kailash Prasad Deo
For the State :A. P.P.

05/30.11.2012 Heard learned counsel for the petitioners and the learned counsel for the State.

The petitioners are aggrieved by the Judgment dated 30.04.2010 passed by learned 1st Additional Sessions Judge, Deoghar, in Cr. Appeal No. 115 of 2007, whereby the appeal filed against the Judgment and Order dated 19.09.2007 passed by Shri Satyakam Priyadarshi, learned Judicial Magistrate, 1st Class, Deoghar, in G. R. Case No. 697 of 1999 / T. R. Case No. 90 of 2007, has been dismissed by the Appellate Court below.

The petitioners have been made accused in Deoghar P. S. Case No. 226 of 1999, corresponding to G. R. Case No. 697 of 1999 wherein, there is allegation against the petitioners to have entered in the room of the informant and to have assaulted her causing injuries on her, and when her mother came to her rescue, she was also assaulted by the accused persons. On the written information given by the informant to the Police, the Police case was instituted for the offence under Sections 448, 342, 323, 504 of the Indian Penal Code and the investigation was taken up.

It appears that after investigation, the Police submitted the charge sheet and cognizance was also taken against the petitioners. The petitioners were ultimately put to trial and the Judgments passed by the Courts below show that five witnesses were examined on behalf of the prosecution, including the informant who was injured in the said occurrence, her mother and the doctor who had examined the informant.

The impugned Judgments further show that the witnesses have fully supported the prosecution case and the injuries on the informant was also proved by the doctor. No evidence was adduced by the defence. On the basis of the evidence brought on record, the Court below found that there was no contradiction on the point of the manner of occurrence, place of occurrence and time of occurrence. The Trial Court below accordingly, found the accused petitioners guilty for offence under Sections 448, 342, 323, 504 of the Indian Penal Code and convicted them for the same. Upon hearing on the point of sentence, the Trial Court gave the benefit of Probation of Offenders Act to the petitioners and directed them to enter into probation

bonds of Rs. 2,000/- each with two sureties, for maintaining peace and be of good behavior for a period of one year. The appeal filed against the said Judgment was also dismissed by the Appellate Court below.

Learned counsel for the petitioners has submitted that the Judgments passed by the Courts below cannot be sustained in the eyes of law, inasmuch as, P.W.-1, Gulab Jha, has admitted in his evidence that he saw injury on one of the petitioners and, accordingly, submitted, that this injury was not explained by the prosecution and, accordingly, the impugned Judgments passed by the Courts below cannot be sustained in eyes of law.

Learned counsel for the State, on the other hand, opposed and submitted that there is no illegality and/or irregularity in the impugned Judgments passed by the Courts below, inasmuch as, the Courts below have discussed the evidence on record in length and in view of the fact that there was no contradiction in the evidence of witnesses and all the witnesses supported the prosecution case, the petitioners were found guilty and convicted.

After having heard learned counsels for both the sides and upon going through the record, I find that the Courts below have discussed the evidence on record and found that the witnesses, including the injured informant have fully supported the prosecution case. The injuries on the informant have also been proved by the P. W.-4 Dr. Gita Mishra, who had examined the injured informant. It also appears that no evidence was adduced by the defence and the Court below came to the conclusion on the basis of the evidence brought on record that there was no contradiction on the point of manner of occurrence, place of occurrence and time of occurrence. The Trial Court below accordingly, found the accused petitioners guilty for offence under Sections 448, 342, 323, 504 of the Indian Penal Code and convicted them for the same. Upon hearing on the point of sentence, the Trial Court also gave the benefit of Probation of Offenders Act to the petitioners. Simply because P.W.-1, Gulab Jha, has admitted in his evidence that he saw injury on one of the petitioners, the prosecution case cannot be disbelieved on the said ground alone.

I do not find any illegality and/or irregularity in the impugned Judgments worth interference in the revisional jurisdiction. There is no merit in this petition and the same is hereby, dismissed.

Let Lower Court Records be sent back to the Court concerned forthwith.

(H. C. Mishra, J)