

IN THE HIGH COURT OF JHARKHAND AT RANCHI  
**Acq. Appeal (D.B.) No. 10 of 2021**

Sahin Praween wife of Guljar Khan, resident of village- Kheskari, P.O. and P.S. Jai Nagar, District- Koderma. .... Appellant(s)

Versus

1. The State of Jharkhand
2. Azad Khan, son of Geyas Khan, resident of village- Kheskari, P.O. And P.S.-Jai Nagar, District- Koderma. .... Respondent(s)

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**CORAM : SRI ANANDA SEN, J.**  
**: SRI GAUTAM KUMAR CHOUDHARY, J.**

For the Appellant(s) : Mr. Ashim Kr. Sahani, Advocate.

For the State : Mr. Rajneesh Vardhan, A.P.P.

For resp. Nos. : M/s Pandey Neeraj Rai, Advocates.

09/31.07.2024: Heard the learned counsel for the parties.

2. This is an appeal against the judgment of acquittal dated 11.7.2016 passed by the learned Sessions Judge, Koderma In Sessions Trial No. 10/2014, whereby the accused has been acquitted for allegedly committing the offence punishable under Sections 341, 342, 366 and 376 of the Indian Penal Code.

3. The learned counsel for the appellant submits that being the victim, the appellant has filed this appeal against the judgment of acquittal. He further submits that the victim was raped by the accused which fact has also been supported in deposition, but the same has not been properly appreciated by the learned Trial Court, thus, she has filed this appeal.

4. The learned counsel appearing on behalf of the respondent-accused produces a copy of order dated 12.3.2018 passed in Acquittal Appeal (DB) No. 16 of 2017 and submits that against the same judgment of acquittal passed in Sessions Trial No. 10/2014 by the learned Sessions Judge, Koderma, the State had preferred the said Acquittal appeal. After considering the evidence and hearing the parties, the appeal being Acquittal Appeal (DB) No. 16/2017 was dismissed, meaning thereby, the judgment of acquittal has been upheld.

5. After hearing the parties, we have gone through the order dated 12.3.2018 passed by a co-ordinate Bench of this Court in Acquittal Appeal (DB) No. 16/2017. In the said Acquittal Appeal, the State has challenged the judgment of acquittal of the accused (respondent No. 2 herein) passed in Sessions Trial No. 10/2014 by the Sessions Judge, Koderma.

6. After considering all the aspects, the Co-ordinate Bench of this Court has held that there is no illegality or infirmity in the judgment of acquittal of the accused-respondent No. 2, thus the leave was not granted. The said order is a reasoned order. Thus, when a Co-ordinate Bench of this Court has already dismissed the leave application to prefer an appeal holding that there is no illegality or infirmity in the judgment of acquittal, hearing this appeal would mean reviewing the order dated 12.3.2018 passed in Acquittal Appeal (DB) No. 16 of 2017, which this Court does not have the jurisdiction.

7. In that view, we find no merit in this acquittal appeal. Accordingly, the same is **dismissed**.

**(ANANDA SEN, J.)**

**(GAUTAM KUMAR CHOUDHARY, J.)**

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