



The Court of JM 1st Class, Ramgarh
Present: Smriti Tripathi
Judicial Magistrate
28th February, 2023
District: Ramgarh
G.R. Case No. 1149/2006
CNR No. JHRG030000552006
Mandu (W.B.) PS Case No. 137/2006

Informant	State (Through Asgar Ali)
Represented By	Smt. Manju Kachchap, Id. APP
Accused	1. Abid Khan s/o Nasruddin, male, aged about 34 years [A1] 2. Nasruddin s/o late Fate Mohammad, male, aged about 75 years [A2] Both r/o Housing colony Ghatotand, PS Mandu, District Ramgarh
Represented By	Sri Salim Ansari, Ld. Adv.

Date(s) of Offence	From 02.02.2006 onwards
Date of FIR	02.05.2006
Date of Chargesheet	30.06.2006
Date of framing of charge	20.08.2010
Date of Commencement of evidence	07.10.2010
Date when Judgment is reserved	28.02.2023
Date of Judgment	28.02.2023
Date of Sentencing Order, if any	N/A

Rank of the Accused	Name of the Accused	Date of Arrest/ Surrender	Date of Release on Bail	Offences charged with	Whether acquitted or convicted	Sentence Imposed	Period of detention undergone during trial for purpose of s. 428, CrPC
A1	Abid Khan	31.10.2008	31.10.2008	s. 494/34, IPC	Acquitted	None	N/A
A2	Nasruddin	07.11.2008	07.11.2008	s. 494/34, IPC	Acquitted	None	N/A

J U D G M E N T

1. The aforementioned accused persons (hereinafter referred to as “A1 and A2”) are facing trial for charges framed u/s. 494/34 of The Indian Penal Code, 1860 (Hereinafter referred to as the "IPC").

2. The compendious **case of the prosecution** as sourced from the written report of Asgar Ali (hereinafter referred to as the "**informant**") is that on 02.02.2006, his wife and the mother of his two children, Rukhsana Bano fled away with one Md. Firoz. In this regard, the informant gave missing persons' report to the officer-in-charge of West Bokaro OP on 06.02.2006 and 07.02.2006. Upon enquiry and search, he learnt that A1, A2, Md. Firoj and Bhole Firoj are directly responsible for the same and they all conspired to get, Rukshana Bano illegally married to Firoj and she is kept at some unknown place. Thus, this case.
3. After investigation, the Investigating Officer submitted **charge-sheet** bearing no. 91/2006 dated 30.06.2006 against three accused persons including A1 and A2 for the offence u/s. 494/34 of the IPC and thereafter, **cognizance** was taken under the same sections by the then court on 12.07.2006 and the they were all summoned.
4. After appearance of A1 and A2, on 20.08.2010 **charges** were framed for the offence u/s. 494/34 of the IPC against A1, A2 and Afroz @Bhola and read over to them in simple Hindi to which they pleaded not guilty and claimed to be tried and the record was advanced for prosecution evidence. During this period, *despite issuance of several processes for appearance, accused Bhole @ Firoj did not turn up before the court and his case was split up/separated from that of A1 and A2 on 13.02.2023.*
5. After closing the **prosecution evidence** on 28.02.23, the material brought by prosecution was put to A1 and A2 and their respective **statements u/s. 313 of CrPC** were recorded on same day in which they denied the material available against them and claimed to be innocent.
6. Thereafter, the defence was provided with an opportunity to adduce evidence on its behalf, if any but the Id. counsel for the defence submitted that they do not want to adduce any evidence. Upon their prayer, the **defence evidence** was closed and the matter was posted for arguments.
7. The prosecution argued that the case warrants conviction of A1 and A2.
8. The defence on the other hand argued that a false case has been lodged and no offence as alleged is made out. It was also submitted that the prosecution has failed to prove the guilt of A1 and A2 beyond reasonable doubt.
9. Now, the Court will consider as to whether the prosecution has been able to substantiate the charges u/s. 494/34 of IPC levelled against A1 and A2 beyond reasonable doubt or not. On the bedrock of the charges framed, the prosecution case will be examined on the following touchstones for the sake of a more structured analysis:

9.1 *Did A1 and A2, shared common intention in getting Rukshana Bano married again during the lifetime of the informant, her husband.*

FINDINGS

10. To substantiate the charges levelled against A1 and A2 despite several opportunities, not a shorn of evidence has been brought on record in support of the prosecution case.
11. Having gone through the material available on record, this court finds that despite being given ample opportunities spreading over several years during which the record was running awaiting prosecution evidence, the prosecution has not examined any witness at all or any other nature of evidence. The case of the prosecution is shorn of even a single piece of evidence which could point towards the guilt of A1 to A2.
12. Thus, this court is of the considered opinion that the prosecution has failed to substantiate the charge u/s. 494/34 of the IPC. Hence, the A1 and A2 are hereby **acquitted** in this case of the charge. A1 and A2 as well as their respective bailors stand discharged from the liabilities of their respective bail bonds.

(Dictated and corrected)

Pronounced by me in open court.

Sd/-

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(Smriti Tripathi)

JO Code: JH02021

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Ramgarh, dated the 28th February, 2023

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