

The Court of JM 1<sup>st</sup> Class, Ramgarh  
Present: Smriti Tripathi  
Judicial Magistrate  
24<sup>th</sup> January, 2023  
District: Ramgarh  
G.R. Case No. 114/2005  
CNR No. JHRG030000792005  
Ramgarh PS Case No. 23/2005

Informant	State (Through Incharge Election Officer, Code of Conduct, Ramgarh Division
Represented By	Smt. Manju Kachchap, Id. APP
Accused	Bhuneshwar Mahto s/o late Hukumnath Mahto, male, aged about 39 years, r/o Gosa, PS Ramgarh, District Ramgarh [A1]
Represented By	Sri Mahendra Kumar, Ld. Advocates

Date(s) of Offence	10.01.2005
Date of FIR	10.01.2005
Date of Chargesheet	30.06.2006
Date of Substance of Accusation	10.04.2012
Date of Commencement of evidence	16.05.2012
Date when Judgment is reserved	24.01.2023
Date of Judgment	24.01.2023
Date of Sentencing Order, if any	N/A

Rank of the Accused	Name of the Accused	Date of Arrest	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	Bhuneshwar Mahto	25.05.06	25.05.06	s. 3, Defacement of Property Act	Acquitted	None	N/A

J U D G M E N T

1. The above-named accused person (hereinafter referred to as “A1”) is facing trial for the offences punishable u/s. 3 of Defacement of Property Act, 1987.
2. The compendious case of the prosecution as sourced from the typed application of in-charge Election Officer, Code of Conduct -2005 of Ramgarh Division (hereinafter referred

- to as the “informant”), addressed to Officer in-charge of Ramgarh police station is that on 17.12.2004, the Code of Conduct was in force in the entire Ramgarh district and all the political parties were informed of the same. But on 10.01.2005, AJSU party’s banner/poster was put up in Kothar village on the occasion of Diwali as per the direction of party president Kailash Yadav which is in violation of the rules and regulations laid down by the code of conduct guided by Election Commission. Thus, this case against A1.
3. After investigation, Investigating Officer submitted **charge-sheet** bearing no. 204/2006 dated 30.06.16 u/s. 3 of Defacement of Property Act, 1987 against A1 and thereafter, **cognizance** was taken under the same section by the Id. predecessor court on 19.07.2006 and A1 was summoned.
  4. After supplying **police papers**, on 10.04.2012 **substance of accusation** was explained u/s. 3 of Defacement of Property Act, 1987 to A1 in Hindi to which he pleaded not guilty and claimed to be tried.
  5. After closing the **prosecution evidence** on 24.01.2023, the **statement** of A1 was recorded u/s. 313 of CrPC on same day in which he denied the material available against him 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 he does not want to adduce any evidence. Upon his prayer, the **defence evidence** was closed and the matter was posted for arguments.
  7. The prosecution argued that the case warrants conviction of A1.
  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 beyond reasonable doubt.
  9. The Court will now consider whether the prosecution has been able to substantiate the charge levelled against A1 beyond reasonable doubt or not.

**List of Prosecution/Defence Witnesses**

**A. Prosecution**

Rank	Name	Nature of Evidence
--nil--		

**B. Defence:**

Rank	Name	Nature of Evidence
--- nil ---		

**List of Prosecution/Defence/Material Exhibits**

**A. Prosecution:**

Sr. No.	Exhibit Number	Description
--- nil ---		

B. Defence:

Sr. No.	Exhibit Number	Description
--- nil ---		

**FINDINGS**

10. To substantiate the charges levelled against A1 despite several opportunities given to the prosecution for adducing evidence, 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.
12. Thus, this court is of the considered opinion that the prosecution has failed to substantiate the charge u/s. 3 of Defacement of Property Act, 1987. Hence, the A1 is hereby **acquitted** in this case of the charge. A1 as well as his respective bailors stand discharged from the liabilities of their respective bail bonds.

(Dictated and corrected)

Pronounced by me in open court today.

Sd/-

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**(Smriti Tripathi)**  
JM 1<sup>st</sup> Class, Ramgarh  
*Ramgarh, dated the 24<sup>th</sup> January, 2023*

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