

The Court of JM 1st Class, Ramgarh
Present: Smriti Tripathi
Judicial Magistrate
21st January, 2023
District: Ramgarh
G.R. Case No. 834/2016
CNR No. JHRG030000902016
Gola PS Case No. 50/2016

Informant	State (Through Ramchandra Rajak, Chief.E.E. of water and Sanitary Dept, Hazaribag)
Represented By	<i>Smt. Manju Kachchap, Id. Id. Assistant Public Prosecutor</i>
Accused	1. Kishor Singh s/o late Pradhan Ganesh Singh, male, aged about 41 years, r/o village Nawadih, PS Gola, District Ramgarh [A1] 2. Mangal Singh s/o late Pradhan Jagnandan Singh, male, aged about 44 years, r/o Nawadih, PS Gola, District Ramgarh [A2] 3. Haricharan Munda, male, aged about 52 years, r/o Nawadih, PS Gola, District Ramgarh [A3]
Represented By	<i>Sri Jawahar Prasad and Sri Jagarnath Mahto, Id. Advocates</i>

Date(s) of Offence	17.07.2016
Date of FIR	17.07.2016
Date of Chargesheet	30.10.2016
Date of framing of charge	27.11.2017
Date of Commencement of evidence	10.01.2018
Date when Judgment is reserved	17.01.2023
Date of Judgment	21.01.2023
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	Kishor Singh	15.09.2016	15.09.2016	s. 143, 341, 342, 323, 325, 353, IPC	Acquitted	None	N/A
A2	Mangal Singh	15.09.2016	15.09.2016	s. 143, 341, 342, 323,	Acquitted	None	N/A

				325, 353, IPC			
A3	Haricharan Munda	15.09.2016	15.09.2016	s. 143, 341, 342, 323, 325, 353, IPC	Acquitted	None	N/A

J U D G M E N T

1. The above-named accused persons (hereinafter referred to as “**A1 to A3**”) are facing trial for the offences punishable u/s. 143, 323, 325, 341, 342 and 353 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 Ramchandra Rajak, Chief Executive Engineer, of Water and Sanitary Department, Hazaribag (hereinafter referred to as the “informant”) is that on 17.07.2016 he alongwith his associates proceeded to the nearby affected area of *Bhairva Jalasay* for inspection under the scheme of *Bhairva Jalasay Yojna* when, thousands of locals gathered there, and during the course of interaction, surrounded him, tied his hand and assaulted him with fist on his nose, mouth and back due to which blood started oozing of his nose and mouth. He named A1-A3 in his written report and could not state the name of the others. On the basis of the written report, the instant case was registered as Gola PS Case No. 50/2016 dated 17.07.2016 u/s. 143, 323, 325, 341, 342 and 353 of IPC against A1 to A3.
3. After investigation, the Investigating Officer submitted **charge-sheet** bearing no. 94/16 dated 30.09.2016 u/s. 143, 323, 325, 341, 342 and 353 of IPC, against A1 to A3 and thereafter, **cognizance** was taken under the same sections by the Id. predecessor court on 03.01.2017 and A1-A3 were summoned.
4. After supplying **police paper**, on 27.11.2017 **charges** were framed u/s. 143, 341, 342, 323, 325, 353 of IPC against A1 to A3 and read-over to them in simple Hindi to which they pleaded not guilty and claimed to be tried.
5. After closing the **prosecution evidence** on 17.01.2023, the **statements** of A1 to A3 were recorded u/s. 313 of CrPC on 17.01.2023 in which the material against them was put to them to which, they denied their culpability 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. prosecution submitted that the guilt of A1 to A3 is well established, and prayer was made to convict A1 to A3.
- 8. defence on the other hand argued that a false case has been lodged and no offence as alleged is made out from the deposition of the witnesses. It was also submitted that the prosecution has failed to prove the guilt of A1 to A3 beyond reasonable doubt, and thus, they deserve to be acquitted.
- 9. The Court will now consider whether the prosecution has been able to substantiate the charge levelled against A1 to A3 beyond reasonable doubt or not, for which the prosecution case will be examined on the touchstone of the following **points of consideration**:

- I. *Whether A1 to A3 were members of an unlawful assembly, the common object of which was to overawe the informant, by the use of criminal force from exercising his lawful power as a public servant?*
- II. *Whether A1 to A3, with common intention of all, wrongfully restrained the informant, as u/s. 341. IPC?*
- III. *Whether A1 to A3, with common intention of all, wrongfully confined the informant, as u/s. 342, IPC?*
- IV. *Whether A1 to A3, with common intention of all, caused hurt to the informant, as u/s. 323, IPC?*
- V. *Whether A1 to A3, with common intention of all, voluntarily caused grievous hurt to the informant, as u/s. 325, IPC?*
- VI. *Whether A1 to A3, with common intention of all, assaulted the informant, a public servant in the discharge of his duty as such public servant as u/s. 353, IPC?*

- 10. Before the court dwells to consider the points of determination as stated above, it would be apt to enlist the evidences brought in this case by all sides for the sake of brevity and proper reference, which are enlisted below:

List of Prosecution/Defence Witnesses

A. Prosecution:

Rank	Name	Nature of Evidence
PW1	Dr. Prachi Sinha	Expert Witness [Doctor]

B. Defence:

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

List of Prosecution/Defence/Material Exhibits

A. Prosecution:

Sr. No.	Exhibit Number	Description
1.	Mark X	Photocopy of Injury Report of Informant

B. Defence:

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

FINDINGS

11. *Whether A1 to A3 were members of an unlawful assembly, the common object of which was to overawe the informant, by the use of criminal force from exercising his lawful power as a public servant?; Whether A1 to A3, with common intention of all, wrongfully restrained the informant, as u/s. 341, IPC?; Whether A1 to A3, with common intention of all, wrongfully confined the informant, as u/s. 342, IPC?; Whether A1 to A3, with common intention of all, caused hurt to the informant, as u/s. 323, IPC?; Whether A1 to A3, with common intention of all, voluntarily caused grievous hurt to the informant, as u/s. 325, IPC?; Whether A1 to A3, with common intention of all, assaulted the informant, a public servant in the discharge of his duty as such public servant as u/s. 353, IPC?*

11.1 Despite several opportunities, the prosecution produced only one witness out of the seven charge-sheeted witness on its behalf. PW01 is an expert witness who deposed regarding the injuries of e=informant she examined on 17.07.2016 when she was posted at CHC, Gola hospital as MO. She deposed that she found the following injures and symptoms on his person: *bleeding from nose, cut in mucosa of mouth, body ache, time of injury- within one hour, nature of injury- simple, weapon used blunt surface object. mark of identification: a mole on left side of chin. Registration number and time: ER275, 17.07.2016 at 1:30 PM.* Photocopy of the injury report of informant which, bearing her signature

was marked as Mark X for identification. In her cross-examination, she deposed that she has not disclosed the color of the injury in her report. She finally deposed that such injury is possible due to falling on hard surface.

11.2 Apart from this there is nothing on record to even remotely point out towards the culpability of A1-A3. Even if the expert's evidence is relied upon regarding the injuries sustained by the informant, whether they were inflicted by A1-A3 or not has not been proved.

11.3 Thus, regard being had to the case put forth by the prosecution, it is pertinent to say that the prosecution evidence is shorn of even a single piece of evidence pointing towards the guilt of A1-A3.

O R D E R

12. Thus, this court is of the considered opinion that the prosecution has failed to substantiate the charge u/s. 143, 323, 325, 341, 342 and 353 of IPC. Hence, the A1-A3 are all hereby **acquitted** in this case. A1, A2, A3 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/-

Sd/-

(Smriti Tripathi)

JM 1st Class, Ramgarh
Ramgarh, dated 21th January, 2023

(Smriti Tripathi)

JM 1st Class, Ramgarh
Ramgarh, dated 21th January, 2023