

**The Court of JM 1<sup>st</sup> Class, Ramgarh**  
**Present: Smriti Tripathi**  
**Judicial Magistrate**  
**09th November, 2022**  
**District: Ramgarh**  
**Complaint Case No. 333/2010**  
**CNR:JHRG030001362010**

Complainant	Md. Tazuddin @ Raju
Represented By	Sri R.P. Singh, Id. Advocate
Accused	Rukshana Praween @ Raukashana Begum w/o Tajuddin Khan, female, aged about 45 years, r/o H. No. 13 Green Vally Road, No. 17 Mango, P.S.- Azad Nagar, District Jamshedpur [A1]
Represented By	Sri Krishna Mohan Prasad, Id. Advocate

Date(s) of Offence	10.03.2005,24.03.2005, 04.04.2009 and 26.02.2010
Date of Complaint	09.03.2010
Date of Chargesheet	n/a
Date of framing of charge	09.07.2019
Date of Commencement of evidence	21.08.2019
Date of Judgment is reserved	09.11.2022
Date of Judgment	09.11.2022
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 the purpose of s. 428, CrPC.
A1	Rukshana Praween @ Raukashana Begum	none	04.02.19	u/s. 323, 498, 379, 504 of IPC	Acquitted	none	n/a

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1. The afore-named accused person A1 is facing trial for charges framed u/s. 323, 498, 379 and 504 of The Indian Penal Code, 1860 (Hereinafter referred to as the "**IPC**"). The complainant case was also filed against one Md. Kamaluddin and another Shahzadi Khatoon but

proceedings were dropped against the latter two on account of their demise.

2. The compendious case of the complainant namely Md. Tazuddin @ Raju (Hereinafter referred to as the "complainant") filed u/s. 323, 498, 384, 420, 379, 504 of IPC against A1, Md. Kalimuddin and Shahzadi Khatoon is that on 10.03.2005, Md Kamaluddin persuaded him to accompany him to Green Vally, Azad Nagar Mango at his residence and they walked towards it after which the complainant stayed there for about five days peacefully. However, after that, Md. Kamaluddin confined him wrongfully and restrained him in a room and pressurized him to marry his daughter A1. The complainant refused his proposal. However, on account of the pressure and threats, the complainant conceded and was cheated by Md. Kamaluddin who, after marriage of A1, kicked the complainant out of his house and told him to work outside. Thereafter, the complainant went to Mumbai for work and after a few months, Md. Kamaluddin and A1 went to the complainant's residence at Mumbai and returned back leaving A1 there. It is alleged that after 15 days, A1 started abusing and torturing the complainant and his parents and also insulted him for earning less money. On 04.04.2009, the complainant alongwith A1 came to Ranchi Railway Station where allegedly Md. Kamaluddin misbehaved with the complainant and assaulted him and took away ₹50,000/- from his pocket and also took away A1. Further, on 26.02.2010 at about 1:00 PM, Md. Kamaluddin and Shahzadi Khatoon came to the house of complainant at village Chitarpur and started abusing him and his parents and demanded ₹50,000/-, and also assaulted them. While Shahzadi Khatoon snatched a golden chain from the neck of Jahan Ara Khatoon, Md. Kamaluddin snatched the wrist watch of Wahazuddin @ Malku and took ₹15,000/- from his pocket. Finally, the complainant went to the police station but no action was taken and he was sent to the court and hence, this case.

3. On the basis of the material available on record, a prima facie case u/s. 323, 498, 379, 504 of IPC was found to be made out against the above-named accused persons including A1 by the then court on 03.12.2010.

4. On 09.07.2019 proceedings against Md. Kalimuddin were dropped by the court on account of his demise. Thereafter, on 09.07.2019, charges were framed u/s. 323, 498, 379, 504 of IPC against the remaining accused persons namely A1 and Shahjadi Khatoon and the case was fixed for evidence after charge. On 09.11.2022, proceedings were dropped

against Shahjadi Khatoon on account of her demise during the after charge-evidence stage.

5. Evidence after charge was closed on 08.06.2022 as the complainant did not adduce any evidence nor did they move the case or prayed seeking more time to adduce evidence. Thereafter, the statement of A1 was recorded u/s. 313 of CrPC on 09.11.2022 in which she denied the material available against her 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. Ld. counsel for the complainant did not turn up for argument and a bare perusal of the case record revealed that he has left the *pairvi* of this case since many years.

8. The defence on the other hand argued that a false case has been lodged and no offence as alleged is made out as the complainant has failed to support his case by evidence. It was also submitted that the complainant has failed to prove the guilt of A1 beyond reasonable doubt.

9. Now, the Court will consider as to whether the complainant has been able to substantiate the charges levelled against A1 beyond reasonable doubt or not. To substantiate the charge levelled against A1, the complainant adduced only two witnesses at evidence before charge. No witness or document was produced at the stage of evidence after charge.

#### **List of Witnesses after-charge**

A. Complainant:

<b>Rank</b>	<b>Name</b>	<b>Nature of Evidence</b>
--- nil ---		

B. Defence:

<b>Rank</b>	<b>Name</b>	<b>Nature of Evidence</b>
--- nil ---		

#### **List of Exhibits after-charge**

A. Complainant:

<b>Sr.</b>	<b>Exhibit</b>	<b>Description</b>
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No.	Number
--- nil ---	

B. Defence:

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

### **FINDINGS**

10. Two witnesses namely Wahajuddin @Malku and Md. Tajuddin was examined at the stage of before charge evidence but despite multiple chances and directions to the Id. counsel for the complainant, they were not produced for their evidence after charge. Even at the before charge evidence stage, the complainant's side acted in a lethargic manner and over the course of several years, managed to produce only two witnesses. As the complainant or his witnesses did not turn up for their evidence after charge, and in absence of the accused persons getting an opportunity to cross examine the witnesses examined before charge, the sanctity of their testimony at the before charge evidence stage is none and thus, their evidence at the before charge evidence stage is not being relied upon.

### **ORDERED**

11. Thus, this court is of the considered opinion that the case is shorn of a single piece of evidence produced by the complainant to substantiate the charge u/s. 323, 498, 379, 504 of IPC. Hence, A1 is hereby **acquitted** of all charges in this case. The accused as well as her 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)**  
**JO Code: JH02021**  
 JM 1<sup>st</sup> Class, Ramgarh  
 Ramgarh, dated the 09.11.2022

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