

**The Court of JM 1<sup>st</sup> Class, Ramgarh**  
**Present: Smriti Tripathi**  
**Judicial Magistrate**  
**25<sup>th</sup> January, 2023**  
**District: Ramgarh**  
**GR Case No.2065 of 2008**  
**CNR No. JHRG0300-0172-2008**  
**(Ramgarh PS Case No. 225/2008)**

Informant	Ajay Kumar
Represented By	<i>Smt. Manju Kachchap, Ld. APP</i>
Accused	Wajahuddin Siddique, s/o Late Abdul Samad, aged about 57 years, r/o village-Purni Mandap Golpar, Ramgarh Cantt. PS Ramgarh, District Ramgarh [A1]
Represented By	<i>Sri Dhiresk Kumar, Ld. Advocate</i>

Date(s) of Offence	12.06.2008
Date of FIR	12.06.2008
Date of Chargesheet	18.08.2012
Date of framing of charge	20.11.2019
Date of Commencement of evidence	10.01.2020
Date when Judgment is reserved	24.01.2023
Date of Judgment	25.01.2023
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 Section 428, CrPC.
A1	Wajahuddin Siddique	21.12.2009	21.12.2009	s. 420, 467, 468 & 471, IPC	Acquitted	None	N/A

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- The afore-named accused person (Hereinafter referred to as "**A1**") is facing trial for charges framed u/s. **420, 467, 468** and **471** of The Indian Penal Code, 1860 (Hereinafter referred to as the "**IPC**").
- The **compendious case of the prosecution** as sourced from the written report of Ajay Kumar (hereinafter referred to as the "**informant**") is that he entered into an agreement

with Akil Ahmad Hasmi and A1 for purchasing a land having Plot No.1423, Khata No. 01, area 12.60 acres situated at village Marar, PS and district Ramgarh at an agreed rate of ₹25,000/- per decimal. For this, the informant paid ₹5 lacs to them as advance and was told that within a month, after preparation of all the relevant paper work, registry will be done in his or his representative's. When even after the passage of one month the said registry was not done. The informant and his partner Brajesh Kumar Sahu made a one and Akil Ahmad personally who handed over some papers related to the said land and asked them to get the said land measured. When the informant and this person went to get the land measured then the people nearby told them that the said land neither belongs to A1 and Akil Ahmad and nor are its paper work correct. Then, when the informant and his person went to Anchal office to get the paper verified, they found out that the said documents were forged. Thereafter, they tried to contact and talk to A1 and Akil Ahmad who avoided then upon which the informant served a legal notice upon them for preparation of forged documents and cheating but neither was a reply to this notice received nor did they returned the informant's money to him. After repeated efforts to personally meet them, some persons came on Maruti Alto Car bearing registration no. JH029948 and repeatedly threatened the informant that if you want to get this money then you will have to lose your life. Thus, this case.

3. After Investigation, the Investigating Officer submitted **charge-sheet** bearing no. 225/08 dated 12.06.2008 against A1 for the offence u/s. **420, 467, 468 and 471** of the IPC and **cognizance** was taken under the same sections against A1 by the Id. predecessor court on 22.12.2012.
4. After supply of police paper, on 20.11.2019 **charge** u/s. **420, 467, 468 and 471** of IPC was framed against A1 and the contents were read over to him in simple Hindi to which he pleaded not guilty and claimed to be tried and the record was set for prosecution evidence.
5. After closing the **prosecution evidence** on 10.01.2020, the material against A1 was put to him and his **statement u/s. 313 of CrPC** was recorded 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 did not argue much in light of lack of material against 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 even make out

any case against A1.

9. Now, the Court will consider as to whether the prosecution has been able to substantiate the charges levelled against A1 beyond reasonable doubt or not but before the court dwells to consider that, it would be apt to enlist the evidences brought in this case by all sides for the sake of brevity and proper reference.

**List of Prosecution/Witnesses**

A. Prosecution:

Rank	Name	Nature of Evidence
PW01	Shamsuddin	Hostile Witness

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 ---		

C. Material Objects:

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

**FINDINGS**

10. To substantiate the charges levelled against the accused person, prosecution has produced only one witness in support of its case, **PW01** who was declared hostile on the request of the Ld. Assistant Public Prosecutor and has deposed nothing in support of the prosecution case.
11. Having heard the submissions advanced by both the sides and the testimonies brought by the prosecution, it is apparent that PW1 has been declared hostile on the request of Id. APP. Despite several chances and issuance of several processes, the prosecution has failed

to produce the informant and other charge-sheeted witness for their testimony. Reading the evidence as a whole it becomes apparent that there is not a shred of evidence pointing towards the culpability of A1 in the alleged occurrence and establish the charge framed against him.

12. Thus, this court is of the considered opinion that the prosecution has failed to substantiate the charge **u/s. 420, 467, 468 and 471** of **IPC**. Hence, A1 is hereby **acquitted** in this case. The accused as well as his respective bailors stands 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 25<sup>th</sup> January, 2023*

**(Smriti Tripathi)**

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