

The Court of JM 1st Class, Ramgarh

Present: Mrs. Smriti Tripathi

Judicial Magistrate

18th November, 2022

District: Ramgarh

G.R. Case No. 289/2015

CNR No. JHRG030002012015

(Mandu PS Case No. 29/2015)

Informant	State (Through Arun Devi @ Kuntla Devi)
Represented By	Smt. Manju Kachchap, Ld. APP
Accused	1. Ashok Gupta s/o late Nago Sao, male, aged about 40 years [A1] 2. Raju Sao s/o late Nago Sao, male, aged about 59 years [A2] 3. Sunita Devi w/o Raju Sao, female, aged about 55 years [A3] All r/o- village Punnu, PS Mahuwatand, District Bokaro
Represented By	Smt. Meera Kumari, Ld. Advocate

Date(s) of Offence	16.09.2013
Date of FIR	18.01.2015
Date of Chargesheet	25.07.2015
Date of framing of charge	27.05.2016
Date of Commencement of evidence	23.06.2016
Date of Judgment is reserved	18.11.2022
Date of Judgment	18.11.2022
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 purpose of Section 428, CrPC.
A1	Ashok Gupta	30.06.15 (surender)	19.12.15	s. 323/34, 324/34, 504/34, IPC, 3/4 of DP Act	Acquitted	None	N/A
A2	Raju Sao	29.05.15	31.07.15	s. 323/34, 324/34, 504/34 IPC, 3/4 of DP Act	Acquitted	None	N/A
A3	Sunita Devi	20.07.15	24.07.15	s. 323/34, 324/34, 504/34 IPC, 3/4 of DP Act	Acquitted	None	N/A

J U D G M E N T

1. The aforesaid named accused persons (Hereinafter referred to as "**A1 to A3**") are facing trial for charges framed u/s. 323/34, 324/34, 504/34 of IPC, 3/4 of Dowry Prohibition Act, 1961 (Hereinafter referred to as the "**DP Act**").
2. The compendious **case of the prosecution** as sourced from the complaint petition filed by Arun Devi @ Kuntla Devi (hereinafter referred to as the "**informant**") before the Id. Chief Judicial Magistrate, Ramgarh which was later on sent by the Id. CJM to the concerned Police Station u/s. 156(3), CrPC for registering an FIR is that at the time of her marriage to A1, the informant's parents gave cash of ₹40,000/-, ornaments worth ₹15,000/- and utensils worth ₹10,000/- alongwith other necessary things to A1-A3 and their guests. After marriage, the informant went to her in-law's house at village Punnu, Bokaro where she stayed for few days happily, but was soon subjected to cruelty by A1 for additional dowry demand of ₹1 lakh cash and one motorcycle stating that otherwise, she will be ousted from the matrimonial house. Further, that A2 and A3 used to mentally torture and humiliate her and demand dowry and instigate A1 that if she doesn't fulfill their dowry demand then she will be not allowed to live with them and with her three children out of their wedlock namely Swati Kumari, Shivam Kumar and Rudra Kumar and they will get A1 married to someone else. Then, on 16.09.2013, A1 assaulted the informant after which, her parents were informed about the alleged incident and took her with them to their house.
3. After investigation, the Investigating Officer submitted **charge-sheet** bearing no. 101/2015 dated 25.07.2015 against A1 to A3 u/s. 323/34, 324/34, 504/34 of IPC, 3/4 of DP Act and thereafter, **cognizance** was taken under the same sections by the Id. predecessor court on 31.07.2015 and process was issued against A1 to A3.
4. On 27.05.2016, **charges** were framed u/s. 323/34, 324/34, 504/34 of IPC, 3/4 of D.P. Act and the content of the charges was read over and explained to A1 to A3 in simple Hindi to which they pleaded not guilty and claimed to be tried and the record was fixed for prosecution evidence.
5. After closing the **prosecution evidence** on 18.11.2022, the respective statements of A1 to A3 was recorded **u/s. 313 of CrPC** 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 didn't argue much due to lack of evidence on its behalf and as the informant had turned hostile.

8. The 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 witness as she has already been declared hostile. It was also submitted that the prosecution has failed to prove the guilt of A1 to A3 above named beyond reasonable doubt.

9. Now, the Court will consider whether the prosecution has been able to substantiate the charges levelled against A1 to A3 beyond reasonable doubt or not. But before the court dwells into that, it would be apt to enlist the evidences brought by all sides.

List of Prosecution/Witnesses

A. Prosecution:

Rank	Name	Nature of Evidence
PW1	Aruna Devi @ Kuntla Devi	Hostile Witness

B. Defence:

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

List of Prosecution/Defence/Material Exhibits

A. Prosecution:

Sr. No.	Exhibit Number	Description
1	Ext. P1/PW1	Signature of informant on complaint petition

B. Defence:

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

B. Material Objects:

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

FINDINGS

10. In the instant case, to substantiate the charge prosecution was given ample opportunities to adduce evidence on its behalf, but they have adduced only one witness PW1 namely Aruna Devi @ Kuntala Devi, who is the informant of this case, but has turned hostile and did not support the case. Thus, after going through the material available on record, this court finds that the prosecution case is shorn of a single piece of evidence to hold A1-A3 guilty of any charge.

ORDERED

Hence, A1, A2 & A3 are not found guilty and hereby **acquitted** of all the charges levelled against them u/s. **323/34, 324/34, 504/34 of IPC and 3/4 of DP Act** due to lack of evidence. Since the A1-A3 are on bail, so, they and 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)

JO Code: JH02021

JM 1st Class, Ramgarh

Ramgarh, dated the 18th November, 2022

(Smriti Tripathi)

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