



**The Court of JM 1<sup>st</sup> Class, Ramgarh**  
**Present: Smriti Tripathi**  
**Judicial Magistrate**  
**04<sup>th</sup> March, 2023**  
**District: Ramgarh**  
**G.R. Case No. 4448/2012**  
**CNR No. JHRG030005542012**  
**Mandu PS Case No. 294/2012**

Informant	State (through Manohar Singh, Dy. Inspector)
Represented By	<i>Smt. Manju Kachchap, Id. APP</i>
Accused	Arjun Hansda s/o late Babulal Hansda, male, aged about 37 years, r/o-Tilaya Tola, PS Ichak, District Hazaribagh [A1]
Represented By	<i>Sri Sudhanshu Shekhar Singh, Ld. Adv.</i>

Date(s) of Offence	07.11.12
Date of FIR	07.11.12
Date of Chargesheet	31.12.12
Date of substance of accusation	28.08.19
Date of Commencement of evidence	04.10.19
Date when Judgment is reserved	04.03.23
Date of Judgment	04.03.23
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	Arjun Hansda	18.07.2019	18.07.19	s. 279 and 427 of IPC	Acquitted	None	N/A

**J U D G M E N T**

- The afore-named accused person (Hereinafter referred to as "**A1**") is facing trial for the offence u/s. 279 and 427 of The Indian Penal Code, 1860 (Hereinafter referred to as the "**IPC**").

### **PROSECUTION CASE**

2. The compendious case of the prosecution, as sourced from the written application of informant Manohar Singh, G.D. Dy. Inspector, B/203 Kobra Batalian (hereinafter referred to as the "**informant**") is that on 07.11.12 at 8:45 AM, he was going to Ranchi via Chatra-Hazaribag road for official purpose in a Scorpio bearing registration no. JH13A-7171. Around 3-4kms away from Mandu PS, a trailer bearing registration no. HR38R-1601, being driven rashly and negligently overtook the said Scorpio and dashed it from back side as a result of which, he and others had a narrow escape but the vehicle got damaged badly. Hence, this case.

### **FROM INVESTIGATION TILL TRIAL**

3. After Investigation, the Investigating Officer submitted **charge-sheet** bearing no. 79/2012 dated 31.12.2012 against A1 for the offence u/s. 279 and 427 of IPC and thereafter, **cognizance** was taken under the same sections by the then court on 27.02.2013.
4. After supplying police papers to A1, on 28.08.19 **Substance of accusation was explained** u/s. 279 and 427 of IPC to the accused A1 in simple Hindi to which he pleaded not guilty and claimed to be tried.
5. After closing the prosecution evidence on 08.02.2023, the material against A1 was put to him and his **statement** was recorded u/s. 313 of CrPC on 02.07.2022 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.

### **ARGUMENTS ADVANCES**

7. The prosecution didn't argue much in light of the lack of evidence.
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 they have been declared hostile by the Id. APP. It was also submitted that the prosecution has failed to prove the guilt of A1 beyond reasonable doubt, and thus, he deserves to be acquitted.

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/Defence Witnesses**

A. Prosecution:

<b>Rank</b>	<b>Name</b>	<b>Nature of Evidence</b>
PW1	Manoj Kumar	Hostile Witness
PW2	Raj Kapoor Saw @ Raj Kumar Sao	Hostile Witness

B. Defence:

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

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

A. Prosecution:

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

B. Defence:

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

**FINDINGS**

10. The charges levelled against A1 is u/s. 279,427 of IPC. Despite several opportunities given to the prosecution, she has adduced only two witnesses out of total six charge sheeted witnesses.
11. PW01 and PW02 deposed nothing about the alleged incident and were declared hostile on the request of the Id. Assistant Public Prosecutor. The prosecution has not produced any other evidence including the Investigating Officer or oral evidence.
12. Having gone through the material available on record, this court finds that despite been given ample opportunities for adducing witnesses, the prosecution could not produce a single shred of evidence to prove the charges beyond reasonable doubt.
13. Thus, this court is of the considered opinion that the prosecution has failed to substantiate the charges u/s. 279 and 427 of IPC. Hence, A1 is

hereby **acquitted** in this case. He and his bailor 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 04<sup>th</sup> March, 2023*

**(Smriti Tripathi)**

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*Ramgarh, dated the 04<sup>th</sup> March, 2023*