



The Court of JM 1st Class, Ramgarh

Present: Mrs. Smriti Tripathi

Judicial Magistrate

01st March, 2023

District: Ramgarh

G.R. Case No. 164/2020

CNR No. JHRG030007312020

Mandu(Kujju) PS Case No. 289/2018

Informant	State (Through Ganga Devi)
Represented By	<i>Smt. Manju Kachchap, Id. APP</i>
Accused	1. Anil Prasad@Anil Mahto s/o Nirmal Mahto, male, 40 yrs [A1] 2. Chandru Mahto @ Chiru Mahto s/o Paras Mahto, male, 38 yrs [A2] 3. Kanchan Kumari d/o Naresh Mahto, female, 27 yrs [A3] 4. Surendra Mahto s/o Nirmal Mahto, male, 46 yrs [A4] 5. Pankaj Kumar s/o Naresh Mahto male, 30 years [A5] 6. Naresh Mahto s/o Late Nakul Mahto, male, 60 yrs [A6] 7. Ishwar Mahto s/o Rewa Mahto, male, 35 yrs [A7] 8. Devnarayan Mahto s/o late Jatru Mahto, male, 60 yrs [A8] 9. Rajdip Kumar s/o Khemlal Mahto, male, 37 yrs [A9] 10. Paras Mahto s/o Jatru Mahto, male, 72 yrs [A10] 11. Mahesh Mahto s/o late Jatru Mahto, male, 61 yrs [A11] 12. Fulkumari Devi@Shanti Devi w/o Naresh Mahto, female, 47 yrs [A12] 13. Rohan Prasad Kushwaha s/o Bigu Mahto, male, 26 yrs [A13] 14. Kundan Kumar s/o Khemlal Mahto, male, 35 yrs [A14] all r/o village Digwar, PS Mandu (Kujju), District Ramgarh
Represented By	<i>Sri Sujit Kumar Singh, Ld. Adv.</i>

Date(s) of Offence	04.10.18
Date of FIR	04.10.18
Date of Chargesheet	24.10.19
Date of framing of charge	11.11.22
Date of Commencement of evidence	12.01.23
Date when Judgment is reserved	01.03.23
Date of Judgment	01.03.23
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	Anil Prasad @ Anil Mahto	05.01.19	05.01.19	s. 147, 149, 323, 504, IPC	Acquitted	None	N/A

A2	Chandru Mahto @ Chiru Mahto	28.02.19	28.02.19	s. 147, 149, 323, 504, IPC	Acquitted	None	N/A
A3	Kanchan Kumari	05.01.19	05.01.19	s. 147, 149, 323, 504, IPC	Acquitted	None	N/A
A4	Surendra Mahto	06.02.19	06.02.19	s. 147, 149, 323, 504, IPC	Acquitted	None	N/A
A5	Pankaj Kumar	05.01.19	05.01.19	s. 147, 149, 323, 504, IPC	Acquitted	None	N/A
A6	Naresh Mahto	06.02.19	06.02.19	s. 147, 149, 323, 504, IPC	Acquitted	None	N/A
A7	Ishwar Mahto	06.02.19	06.02.19	s. 147, 149, 323, 504, IPC	Acquitted	None	N/A
A8	Devnarayan Mahto	06.02.19	06.02.19	s. 147, 149, 323, 504, IPC	Acquitted	None	N/A
A9	Rajdip Kumar	06.02.19	06.02.19	s. 147, 149, 323, 504, IPC	Acquitted	None	N/A
A10	Paras Mahto	06.02.19	06.02.19	s. 147, 149, 323, 504, IPC	Acquitted	None	N/A
A11	Mahesh Mahto	06.02.19	06.02.19	s. 147, 149, 323, 504, IPC	Acquitted	None	N/A
A12	Fulkumari Devi @ Shanti Devi	05.01.19	05.01.19	s. 147, 149, 323, 504, IPC	Acquitted	None	N/A
A13	Rohan Prasad Kushwaha	05.01.19	05.01.19	s. 147, 149, 323, 504, IPC	Acquitted	None	N/A
A14	Kundan Kumar	05.01.19	05.01.19	s. 147, 149, 323, 504, IPC	Acquitted	None	N/A

J U D G M E N T

1. The afore-named accused persons (hereinafter referred to as "**A1 to A14**") are facing trial for charges framed u/s. 147, 149, 323 and 504 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 Ganga Devi (hereinafter referred to as the "**informant**"), is that 04.10.2018 at about 6:00 AM, A1 to A14 came to her house and assaulted her younger son Bablu Kumar and snatched golden chain from his neck and when she intervened, she was also assaulted by them and the miscreants tore her Saree and blouse. Thus, this case.
3. After investigation, the Investigating Officer submitted **charge-sheet** bearing no. 165/2019 on 24.10.2019 against A1 to A14 for the offence u/s. 147, 149, 323 and 504 of IPC and

thereafter, **cognizance** was taken under the same sections by the Id. predecessor court on 15.02.2020.

4. After supplying police papers to the A1-A14, on 11.11.2022, **charges were framed** u/s. 147, 149, 323 and 504 of IPC against A1 to A14 and the content of the charges was read over and explained to them in simple Hindi to which they pleaded not guilty and claimed to be tried, and the record was advanced for **prosecution evidence** during which the prosecution adduced only two witnesses
5. After closing the **prosecution evidence** on 01.03.2023, the **statements** of A1 to A14 were recorded u/s. 313 of CrPC on the same day 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 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 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 witnesses 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 to A14 beyond reasonable doubt, and they thus, deserve to be acquitted.
9. Now, the Court will consider as to whether the prosecution has been able to substantiate the charges levelled against A1 to A14 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:

Rank	Name	Nature of Evidence
PW01	Ganga Devi	Hostile Witness [Informant]
PW02	Bablu Kumar	Hostile Witness [Victim]

B. Defence:

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

List of Prosecution/Defence/Material Exhibits**A. Prosecution:**

Sr. No.	Exhibit Number	Description
1.	Ext. P1/PW01	Written application

B. Defence:

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

FINDINGS

10. The charges levelled against A1 to A14 are u/s. 147, 149, 323 and 504 of IPC. Despite several opportunities given to the prosecution, they only produced two witnesses, who are the informant and victim of this case, for their examination, both of whom turned hostile and did not support the prosecution case. The prosecution has not produced any other evidence including the Investigating Officer of the case.
11. Having gone through the material available on record, this court finds that despite being given ample opportunities for adducing evidence, the prosecution could not produce a single shred of evidence to prove the charges beyond reasonable doubt. Moreover, the informant and victims have themselves turned hostile.
12. Thus, this court is of the considered opinion that the prosecution has failed to substantiate the charges u/s. 147, 149, 323 and 504 of IPC. Hence, A1 to A14 are all hereby **acquitted** in this case. A1 to A14 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)
JO Code: JH02021
 JM 1st Class, Ramgarh
 Ramgarh, dated 01st March, 2023

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