



The Court of JM 1st Class, Ramgarh

Present: Smriti Tripathi

Judicial Magistrate

03rd July, 2023

District: Ramgarh

Split up G.R. Case No. 224/2021

CNR No. JHRG030007402021

Patratu PS Case No. 158/2020

Informant	State (Through Thomas Kandulana)
Represented By	<i>Smt. Manju Kachchap, Ld. APP</i>
Accused	1. Sudhir Kumar Singh s/o late Ramdeo Singh, male, aged about 45 years, r/o Patratu Basti, PS Patratu, District Ramgarh [A1] 2. Brajesh Kumar Singh s/o late Rajkumar, male, aged 27 years, r/o Sankul, PS Patratu, District Ramgarh [A2] 3. Vishwajit Kumar Singh s/o Jitendra Singh, male, aged about 25 years, r/o Kirigadhra, PS Patratu, District Ramgarh [A3]
Represented By	<i>Sri R. Sanatan, Ld. Advocate</i>

Date(s) of Offence	09.08.2020
Date of FIR	10.08.2020
Date of Chargesheet	03.02.2021
Date of framing of charge	12.04.2022
Date of Commencement of evidence	30.04.2022
Date when Judgment is reserved	03.07.2023
Date of Judgment	03.07.2023
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	Sudhir Kumar Singh	11.12.2020	17.07.2021	s.506/34, 387/34 of IPC & 17 CLA Act	Acquitted	None	N/A
A2	Brajesh Kumar Singh	11.12.2020	22.07.2021	s.506/34, 387/34 of IPC & 17 CLA Act.	Acquitted	None	N/A

A3	Vishwajit Kumar Singh	11.12.2020	23.07.2021	s.506/34, 387/34 of IPC & 17 CLA Act.	Acquitted	None	N/A
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J U D G M E N T

1. The abovenamed accused persons (Hereinafter referred to as "**A1 to A3**") are facing trial for charges framed u/s. 506/34, 387/34 of The Indian Penal Code, 1860 (Hereinafter referred to as the "IPC") and 17 Criminal Law Amendment Act, 1908 (Hereinafter referred to as the "CLA Act").
2. The compendious **case of the prosecution**, emerging from written application of Thomas Kandulna (hereinafter referred to as the "**informant**") who was posted as a private security guard at CMPDI, Orla Camp, addressed to O/C of Patratu PS is that at Orla Camp, some drilling work was going on. In the night of 09.08.2020 at about 8:00 PM, four armed miscreants, with their faces hidden arrived there and showed them the smaller weapon and forced the informant and one Security Guard Shambhu Turi to lay down on the ground and asked them to tell their employer to contact one Tufan Ji @ Sultan Ji and the supreme Gope Ji. They also handed over a pamphlet of PLFI, which stated that no drilling work should be carried out till the matter is settled. They also snatched away Samsung mobile phone with dual SIM No. 9934394536 and 9430770634 of the informant. Thus, this case.
3. After investigation, the Investigating Officer submitted **supplementary charge-sheet** bearing no. 07/2021 dated 03.02.2021 against A1 to A3 for the offence u/s.506/34, 387/34 of IPC & 17 CLA Act and **cognizance** was taken of the offence under the same sections and A1-A3 were summoned by the Id. CJM on 08.02.2021.
4. After supplying police papers, on 12.04.2022, **charges were framed** for the offence u/s.506/34, 387/34 of IPC & 17 CLA Act against A1 to A3 and read over to them in simple Hindi to which they pleaded not guilty and claimed to be tried, and the record was posted for prosecution evidence.
5. After closing the **prosecution evidence** on 27.06.2023 during which the prosecution did not produce any evidence despite several opportunities and processes, the **statement** of A1-A3 were recorded u/s. 313 of Cr.PC on 03.07.2023 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 on the same date.

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. It was also submitted that the prosecution has failed to produce any witness to the court to prove the guilt of A1-A3 beyond reasonable doubt.
9. Now, the Court will consider whether the prosecution has been able to substantiate the charges levelled against A1-A3.

FINDINGS

10. To substantiate the charges levelled against A1 to A3 despite several opportunities given to the prosecution for adducing evidence, not a shorn of evidence has been brought on record in support of the prosecution case.
11. Having gone through the material available on record, this court finds that despite being given ample opportunities spreading over several years during which the record was running awaiting prosecution evidence, the prosecution has not examined any witness at all or presented any other nature of evidence. The case of the prosecution is shorn of even a single piece of evidence which could point towards the guilt of A1-A3.
12. Thus, this court is of the considered opinion that the prosecution has failed to substantiate the charges u/s.506/34, 387/34 of IPC and 17 CLA Act. Hence, the A1 to A3 are hereby **acquitted** in this case of the charge. A1-A3 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 today.

Sd/-

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(Smriti Tripathi)

JO Code: JH02021

JM 1st Class, Ramgarh

Ramgarh, dated the 03rd July, 2023

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