

The Court of JM 1st Class, Ramgarh
Present: Smriti Tripathi
Judicial Magistrate
26th April, 2023
District: Ramgarh
G.R. Case No. 303/2020
CNR No. JHRG030010832020
Patratu (Barkakana) PS Case No. 29/2019

Informant	State (through Mamta Kumari)
Represented By	<i>Smt. Manju Kachchap, Id. APP</i>
Accused	<p>1. Rajesh Kumar s/o Premchand, male, aged about 51 years, r/o Goriyaribagi, PS Ramgarh, District Ramgarh [A1]</p> <p>2. Premchand Agarwal s/o Late Ramnath Agarwal, male, aged about 72 years, r/o Vijjan Home department, Bariyatu, PS Bariyatu, District Ranchi [A2]</p> <p>3. Shobha Devi w/o Premchand Agarwal, female, aged about 69 years, r/o Vijan home apartment, Bariyatu, PS Bariyatu, District Ranchi [A3]</p> <p>4. Jyoti Kumari w/o Mahesh Kumar, female, aged about 37 years, r/o-Bari road, Gaya, PS Gaya, District Gaya [A4]</p>
Represented By	<i>Sri Dhiresh Kumar and Sri Omchand Narayan, Ld. Advocates</i>

Date(s) of Offence	21.11.07 to 21.08.18
Date of FIR	21.01.19
Date of Chargesheet	30.09.19
Date of framing of charge	28.02.22
Date of Commencement of evidence	23.03.22
Date when Judgment is reserved	26.04.23
Date of Judgment	26.04.23
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	Rajesh Kumar	-	28.08.19	s. 498A/34, 504/34, IPC and s. 3/4 of DP Act	Acquitted	None	N/A
A2	Premchand Agarwal		14.08.19	s. 498A/34, 504/34, IPC and s. 3/4 of DP Act	Acquitted	none	N/A
A3	Shobha Devi		14.08.19	s. 498A/34, 504/34, IPC and s. 3/4 of DP Act	Acquitted	none	N/A
A4	Jyoti Kumari		14.08.19	s. 498A/34, 504/34, IPC and s. 3/4 of DP Act	Acquitted	none	N/A

J U D G M E N T

1. The afore-named accused persons (hereinafter referred to as "**A1 to A4**") are facing trial for charges framed u/s. 498A/34, 504/34 of The Indian Penal Code, 1860 (Hereinafter referred to as the "IPC") and s. 3/4 of Dowry Prohibition Act, 1961 (Hereinafter referred to as the "DP Act").
2. The compendious **case of prosecution** arising from a complaint case filed by the Mamta Kumari (hereinafter referred to as the "informant") against A1 to A4 is that her marriage was solemnized on 21.11.07 with A1 as per Hindu rites and ritual for which, her parents gifted ₹4 lakh cash, ornaments worth ₹3 lakh and furniture worth ₹2lakh. After some time, A1-A3 started demanding a Swift Car from the informant and for this, she was subjected to cruelty. She also mentions that her brother was married to the sister of A1. Her parents tried to resolve the matter, but the torture continued as a result of which, she became mentally dull and taking advantage of this, A1-A4 started behaving nicely and A1 said that he has been offered a job abroad for which he requires their marriage certificate to obtain which, he will first have to divorce her and then get married in front of the registrar. A2 also said that this is the only legal way to obtain a marriage certificate. Then, on 29.04.2014,

she was taken to Civil Court, Hazaribagh by A1 who took her signature on a paper for the purpose of marriage certificate. He Thereafter, she was asked to say in the court that "she willfully wants to dissolve their marriage and to ultimately gave divorced to her husband. She was then taken to her matrimonial house where A1-A4 continued behaving nicely with her and did not let her know that she has been coerced to agree to their divorce in court and A1 also continued being physical with her. However, by February 2015, they all again started beating her and whenever she would ask A1 to go to the registrar for their wedding, he would ignore it. then, on 20.05.15, A1 brought one lady to the house and told the informant that she is his wife the informant is the maid of this house. Thereafter, she was assaulted and ousted from the house. Then, she went to her paternal house and did not disclose these things to anyone but depression took over and she wanted to commit suicide. After hearing the entire story from the informant, her brother went to A1-A4 to resolve the matter but they warned him that if he interferes too much, they will lodge a false case against his sister. Then, on 12.07.15 matter was reported to police station for registering FIR but no action was being taken and thereafter, a complaint case was filed before the court, which was forwarded u/s. 156(3) of CrPC to Ramgarh PS and thus, this case was registered.

3. After investigation, the Investigating Officer submitted **charge-sheet** bearing no. 45/2019 dated 30.09.19 against A1 to A4 for the offence u/s. 498A/34, 504/34 of IPC & s. 3/4 of DP Act and thereafter, **cognizance** was taken under the same sections and A1-A4 were summoned.
4. After supplying police papers to A1-A4, on 28.02.2022, **charges** were framed against them u/s. 498A/34, 504/34 of IPC & s. 3/4 of D.P. Act and read over in simple Hindi to which they pleaded not guilty and claimed to be tried and the record was advanced for prosecution evidence.
5. After closing the **prosecution evidence** on 26.04.2023, the material against A1 to A4 was put to them and their respective **statements u/s. 313 of Cr.PC** were recorded on 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 argument.

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. It was also submitted that the prosecution has failed to prove the guilt of A1 to A4 beyond reasonable doubt, and he 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 A4 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
PW1	Mamta Kumari	Hostile Witness [Informant]

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 ---		

FINDINGS

10. The charges levelled against A1 to A4 are u/s. 498A/34, 504/34 of IPC & s. 3/4 of D.P. Act. PW01, the informant/victim herself turned hostile and did not support the prosecution case. Thus, there is not a shred of evidence pointing towards the guilt of A1-A4.

11. 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.
12. Thus, this court is of the considered opinion that the prosecution has failed to substantiate the charges u/s. 498A/34, 504/34 of IPC & s. 3/4 of D.P. Act. Hence, A1-A4 are hereby all **acquitted** in this case. 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/-

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(Smriti Tripathi)
JO Code: JH02021
JM 1st Class, Ramgarh
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