

The Court of JM 1st Class, Ramgarh
Present Smriti Tripathi
Judicial Magistrate
16th January, 2023
District: Ramgarh
G.R. Case No. 1128/2016
CNR No. JHRG030011012016
(Patratu PS Case No. 269/2016)

Informant	State (Through Kumari Muskan Yadav)
Represented By	<i>Smt. Manju Kachchap, Ld. APP</i>
Accused	Usha Devi w/o late Vinod Kumar, female, aged about 39 years, r/o Mauza Janta Nagar, PTPS, PS Patratu, District Ramgarh [A1]
Represented By	<i>Sri Amarnath Thakur, Ld. Advocate</i>

Date(s) of Offence	28.09.2016
Date of FIR	01.10.2016
Date of Chargesheet	27.09.2020
Date of framing of charge	16.01.2023
Date of Commencement of evidence	16.01.2023
Date of Judgment is reserved	16.01.2023
Date of Judgment	16.01.2023
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	Usha Devi	None	08.11.16	s. 324, IPC	Acquitted	None	N/A

J U D G M E N T

1. The afore-named accused person (Hereinafter referred to as "A1") is facing trial for charges framed u/s. 341, 323, 324, 504 of The Indian Penal Code, 1860 (Hereinafter referred to as the "IPC").

2. The **compendious case of the prosecution** as founded on the written report of Kumari Muska (hereinafter referred to as the "informant") is that on 28.09.2016, she went to Saraswati Vidya Mandir to attend her classes, after finishing which, she stood in a queue of

12th standard and all of a sudden, one Pammi d/o Vinod Kumar pushed and misbehaved with her. Then, as she was returning to her quarter, near Kathal Chowk Type-1, she was assaulted by Pammi and her sister. Thereafter, she narrated the entire incident to her mother who, alongwith her neighbor, Sunita Devi reached the house of Pammi there where they were assaulted with knife and sticks and abused by family of Pammi Kumari namely, A1 (mother) and Vinod Kumar (father), Pallavi (sister), and one brother of Pammi Kumari on account of which, her mother sustained serious injury on the little finger of her left hand and some blood was also shed. After this, the informant called her father and the injured were taken to government hospital for treatment. Thus, this case.

3. After Investigation, the Investigating Officer submitted **charge-sheet** bearing no. 89/2020 dated 27.09.2020 against A1 for the offence u/s. 341, 323, 324, 504 of IPC and Binod Kumar, Pallavi Kumari and Pammi Kumari were not charge-sheeted for want of evidence. Then, **cognizance** was taken under the same section by the Id. predecessor court on 21.10.2020.

4. After supply of police papers, on 16.01.2023 **charges** were framed u/s. 341, 323, 324, 504 of IPC against A1 and the content of the charge was read over to her in simple Hindi to which she pleaded not guilty and claimed to be tried.

5. On 16.01.2023, the informant as well as A1 appeared before the court and as per the due procedure, the court allowed their prayer to **compound the case** u/s. 323, 341 and 504 of IPC. Thus, the trial was only conducted u/s. 324, IPC which is non-compoundable.

6. After closing the **prosecution evidence** on 16.01.2023, the **statement of A1** was recorded u/s. 313 of CrPC wherein the material available against her was put to her one by one to which, she denied the material available against her and claimed to be innocent.

7. 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.

8. The prosecution did not argue much as the case was not supported by its witnesses.

9. 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 beyond reasonable doubt.

10. 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. On the bedrock

of the charges framed, the prosecution case will be examined on the following touchstones for the sake of a more structured analysis:

10.1 Was hurt caused by dangerous weapon or means to victims by A1?

11. Before the court dwells to consider the points of determination as stated above, it would be apt to enlist the evidences brought in this case by all sides for the sake of brevity and proper reference, reference to only the relevant portions of which is made at relevant parts of this judgment, although they have all been perused by this court in detail. They are:

List of Prosecution/Witnesses

A. Prosecution:

Rank	Name	Nature of Evidence
PW1	Muskan Yadav @ Kumari Muskan Yadav	Hostile Witness
PW2	Virendra Prasad Yadav	Hearsay Witness

B. Defence:

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

List of Prosecution/Defence/Material Exhibits

A. Prosecution:

Sr. No.	Exhibit Number	Description
1.	P1/PW01	Signature of Informant on Written Report

B. Defence:

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

B. Material Objects:

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

FINDINGS

Was hurt caused by dangerous weapon or means to victims by A1?

12. In order to substantiate the charges u/s. 324, IPC, the prosecution has

produced two witnesses. PW01 has deposed that there was a quarrel between both the sides, which they have now compounded but has not stated anything about attack through any dangerous weapon or means by A1 upon the victims. Upon this, she was declared hostile on the point of charges u/s. 324, IPC. PW02, her father, was not an eye witness and was called after the alleged quarrel and has deposed in response to court question that there was a minor quarrel and his wife did not sustain any injury on her finger and no attack was made by A1 through *lathi-dunda* or knife. Apart from them, the prosecution has not produced any other witness or evidence.

13. Having gone through the material available on record, this court finds that the case of the prosecution is shorn of even a single piece of evidence which could point towards the guilt of A1 vis-à-vis section 324, IPC. The prosecution has failed to shift the burden of proof, thus. All other sections have been lawfully compounded and they are thus, not being considered in this judgment.

14. Thus, this court is of the considered opinion that the prosecution has failed to substantiate the charge u/s. 324 of IPC. Hence, A1 is hereby **acquitted** in this case. A1 as well as her respective bailors stand discharged from the liabilities of their respective bail bonds.

Pronounced by me in open court.

(Dictated and corrected)

Sd/-

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(Smriti Tripathi)
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