



**In the Court of JM 1<sup>st</sup> Class, Ramgarh**  
**Present: Smriti Tripathi**  
**Judicial Magistrate**  
**30th May, 2023**  
**District: Ramgarh**  
**G.R. Case No. 855/2018**  
**CNR No. JHRG030018622018**  
**Gola PS Case No. 68/2018**

Informant	State (Through Dinesh Tiwary)
Represented By	Smt. Manju Kachchap, Id. APP
Accused	Santu Prakash s/o Udit Karmali, male, aged about 32 years, -(A1) r/o- Basant Bihar Colony Piparwar, Chatra
Represented By	Sri S.K. Singh, Ld. Advocate

Date(s) of Offence	05.07.2018
Date of FIR	05.07.2018
Date of Chargesheet	03.09.2018
Date of framing of charge	13.09.2018
Date of Commencement of evidence	27.09.2018
Date when Judgment is reserved	30.05.2023
Date of Judgment	30.05.2023
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 s. 428, CrPC
A1	Santu Prakash	05.07.18	19.09.18	U/s. 414 of IPC	Acquitted	-	-

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1. The above-named accused (hereinafter referred to as "**A1**") is facing trial for the offence punishable U/s. 414 of the Indian Panel

Code ( herein referred as "**IPC**").

2. The compendious **case of the prosecution** as sourced from the written report of informant Dinesh Tiwari (hereinafter referred as **informant**) alleging therein that prior to lodging the FIR, a person namely Santu contacted him from mobile no. 9264402206 with a proposal to sell black coloured Passion Pro motorcycle for Rs. 10,000/- and he took negotiate amount of Rs.8000/- as an advance in lieu of said motorcycle and remaining balance will have to be paid to A1 after taking papers of motorcycle. Some villagers told him that the said motorcycle was a stolen property thereafter he informed to the police and called out the A1 to his village. Furthe A1 disclosed his identity and address and confessed that he stolen the same. Thereafter, said motorcycle was seized and seizure list prepared. Hence this case was lodged.

3. After investigation, Investigating Officer submitted **charge sheet** bearing no. 85/2018 dated 03.09.18 U/s. 414 of IPC against the accused A1 and thereafter, **cognizance** was taken under the same section by the predecessor court on 06.09.18 and the accused was summoned.

4. After supplying of **police paper**, on 13.09.18 **Charge was framed** U/s. 414 of the IPC against the accused A1 and content of the charge was read over and explained to him in simple Hindi to which he pleaded not guilty and claimed to be tried, and the record was advanced for **prosecution evidence** during which the prosecution adduced nothing witness.

5. After closing the **prosecution evidence** on 23.05.23 the **statement** of A1 was recorded u/s. 313 of Cr.PC on 30.05.23 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.

7. The prosecution argued that the case warrants conviction of A1.

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 prove the guilt of A1 beyond reasonable doubt.

9. The Court will now consider whether the prosecution has been able to substantiate the charge levelled against A1 beyond reasonable doubt or not.

### **List of Prosecution/Defence Witnesses**

#### **A. Prosecution Nil**

<b>Rank</b>	<b>Name</b>	<b>Nature of Evidence</b>
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#### **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>
1.	-	-

#### **B. Defence:**

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

## **FINDINGS**

10. To substantiate the charges levelled against A1 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 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.

12. Thus, this court is of the considered opinion that the prosecution has failed to substantiate the charge U/s. 414 of the IPC. Hence, the A1 is hereby **acquitted** in this case of the charge. A1 as well as his respective bailors stand discharged from the liabilities of their respective bail bonds.

(Dictated and corrected)  
court today.

Pronounced by me in open

**Sd/-**  
**(Smriti Tripathi)**  
JM 1<sup>st</sup> Class, Ramgarh  
*Ramgarh, dated the 06<sup>th</sup> May 2023*

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