



The Court of JM 1st Class, Ramgarh

Present: Mrs. Smriti Tripathi

Judicial Magistrate

01st March, 2023

District: Ramgarh

G.R. Case No. 743/2020

CNR No. JHRG03-002494-2020

Mandu(Kujju) PS Case No. 290/2018

Informant	Kanchan Kumari
Represented By	<i>Smt. Manju Kachchap, Id. APP</i>
Accused	<p>1. Ganga Devi w/o late Meghnath Mahto, female, aged 46 years [A1]</p> <p>2. Jirwa Devi w/o Sukhdeo Mahto, female, aged 45 years [A2]</p> <p>3. Pratap Kushwaha s/o Sukhdeo Mahto, male, aged 41 years [A3]</p> <p>4. Bablu Kushwaha s/o late Meghnath Mahto, male, aged about 27 years [A4]</p> <p>5. Manoj Mahto s/o late Meghnath Mahto, male, aged about 34 years [A5]</p> <p>6. Madan Mahto s/o late Muneshwar Mahto, male, aged about 42 years [A6]</p> <p>7. Sumitra Devi w/o Manoj Mahto, female, aged about 28 years [A7]</p> <p>all r/o village Digwar, PS Mandu (Kujju), district Ramgarh</p>
Represented By	<i>Sri Surendra Pd. Kushwaha,Ld. Adv.</i>

Date(s) of Offence	04.10.2018
Date of FIR	05.10.2018
Date of Chargesheet	31.08.2019
Date of framing of charge	05.03.2022
Date of Commencement of evidence	06.04.2022
Date when Judgment is reserved	01.03.2023
Date of Judgment	01.03.2023
Date of Sentencing Order, if any	None

Rank of the Accused	Name of the Accused	Date of Arrest/Surrender	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	Ganga Devi	21.12.2018	21.12.2018	s. 143/34, 323/34, 504/34 IPC	Acquitted	None	N/A
A2	Jirwa Devi	21.12.2018	21.12.2018	s. 143/34, 323/34, 504/34 IPC	Acquitted	None	N/A
A3	Pratap Kushwaha	21.12.2018	21.12.2018	s. 143/34, 323/34, 504/34 IPC	Acquitted	None	N/A
A4	Bablu Kushwaha	21.12.2018	21.12.2018	s. 143/34, 323/34, 504/34 IPC	Acquitted	None	N/A
A5	Manoj Mahto	21.12.2018	21.12.2018	s. 143/34, 323/34, 504/34 IPC	Acquitted	None	N/A
A6	Madan Mahto	21.12.2018	21.12.2018	s. 143/34, 323/34, 504/34 IPC	Acquitted	None	N/A
A7	Sumitra Devi	21.12.2018	21.12.2018	s. 143/34, 323/34, 504/34 IPC	Acquitted	None	N/A

J U D G M E N T

1. The aforementioned accused persons (hereinafter referred to as "**A1 to A7**") are facing trial for charges framed u/s. 143/34, 323/34 and 504/34 of The Indian Penal Code, 1860 (Hereinafter referred to as the "**IPC**").

PROSECUTION CASE

2. The compendious **case of the prosecution** as sourced from the written

report of Kanchan Kumari (hereinafter referred to as the "**informant**"), is that on 04.10.2018 at about 6:00 AM, while she was going to her land, A4 obstructed her and started misbehaving with her and assaulted her saying that if she will not marry him, she will face dire consequences and that he will kill her. Upon this, as she raised an alarm, the nearby people came to save her. Then, A1-A3, and A5-A7 started abusing her, and making lewd gestures to insult her. She somehow saved herself and went to her home but all of them chased her and reached her house and started beating her family members and said till when will they keep their daughter safe. She then states that another case relating to similar type of incident and making her photos go viral is lodged against them and that now she is very scared. Thereafter, the instant case bearing Mandu(Kujju) P.S. Case No. 290/2018 was registered against A1 to A7 on 05.10.2018.

FROM INVESTIGATION TILL TRIAL

3. After investigation, the Investigating Officer submitted **charge-sheet** bearing no. 116/2019 on 31.08.2019 against A1 to A7 for the offence u/s. 143/34, 323/34, 341/34, 354/34, 504/34 of IPC. However, **cognizance** was taken under sections 143/34, 323/34, 504/34 of IPC by the Id. predecessor court on 21.09.2019.
4. After supplying police papers to A1-A7, on 05.03.2022, **charges were framed** u/s. 143/34, 323/34, 504/34 of IPC against A1 to A7 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 A7 were recorded u/s. 313 of CrPC on the same day in which they denied the material available against them which was put to 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.

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 witness as the case has been compromised between the parties. It was also submitted that the prosecution has failed to prove the guilt of A1 to A7 beyond reasonable doubt, and they thus, deserve to be acquitted.

EVIDENCES

9. Now, the Court will consider as to whether the prosecution has been able to substantiate the charges levelled against A1 to A7 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	Kanchan Kumari	Interested Witness [Informant]

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 A7 are u/s. 143/34, 323/34 and 504/34 of IPC. Despite several opportunities given to the prosecution, they only produced one witness, the informant, who deposed that the instant case

was lodged due to misunderstanding and anger but she has compromised this case voluntarily with A1-A7 and has no further grievance with them. As the informant, being the sole witness herself has denied the basis of this case, there remains no merit in it now. The prosecution case is therefore shorn of a single piece of evidence pointing towards the guilt of A1-A7.

ORDERED

11. Thus, this court is of the considered opinion that the prosecution has failed to substantiate the charges u/s. 143/34, 323/34 and 504/34 of IPC. Hence, A1 to A7 are all hereby **acquitted** in this case. A1 to A7 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./-

(Smriti Tripathi)
JO Code: JH02021
JM 1st Class, Ramgarh
Ramgarh, dated 01st March. 2023

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(Smriti Tripathi)
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