



The Court of JM 1<sup>st</sup> Class, Ramgarh

Present: Smriti Tripathi

Judicial Magistrate

13<sup>th</sup> July, 2023

District: Ramgarh

G.R. Case No. 385/2019

CNR No. JHRG030027322019

Mandu (W.B.) PS Case No. 272/2018

Informant	State (Through Saddam Ansari)
Represented By	Smt. Manju Kachchap, Id. APP
Accused	Rinku @ Ali Raza s/o late Md. Islam, male, aged about 35 years, r/o Bhelgada, PS Mandu, District Ramgarh [A1]
Represented By	Sri Salim Ansari, Ld. Advocate

Date(s) of Offence	21.09.2018
Date of FIR	23.09.2018
Date of Chargesheet	08.07.2019
Date of Substance of Accusation	27.11.2019
Date of Commencement of evidence	18.01.2020
Date when Judgment is reserved	13.07.2023
Date of Judgment	13.07.2023
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 s. 428, CrPC
A1	Rinku @ Ali Raza	28.09.2018	28.09.2018	s.341, 323, 504 and 506 of IPC	Acquitted	None	N/A

**J U D G M E N T**

1. The above-named accused person (hereinafter referred to as "A1") is facing trial for the offence punishable u/s. 341, 323, 504 and 506 of the Indian Panel Code (hereinafter referred as the "IPC").
2. The compendious **case of the prosecution** as sourced from the written report of Saddam Ansari (hereinafter referred to as the "informant") alleging therein that he is a resident of village Bhelgada, where, on 21.09.2018 at about 7:30 PM, due to minor altercation between the kids of A1 and the informant, A1 assaulted his niece (*Bhagina*). On the next

day at 7:00 AM, A1 came to his house and shouted on her sister and also abused her and entered into a scuffle with her and when the informant intervened to her rescue her, he was also beaten by A1. Hence, this case.

3. After investigation, the Investigating Officer submitted **charge sheet** bearing no. 35/2019 dated 08.07.2019 u/s. 341, 323, 504 and 506 of IPC against A1 and thereafter, **cognizance** was taken under the same section by the then court on 18.06.2018 and A1 was summoned.
4. After supplying **police papers** to A1, on 27.11.2019, **substance of accusation** for the offence u/s. 341, 323, 504 and 506 of IPC was explained to A1 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 no evidence.
5. After closing the **prosecution evidence** on 13.06.2023, the **statement** of A1 was recorded u/s. 313 of Cr.PC on 13.07.2023 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 did not argue much in light of 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 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

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

B. Defence:

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

**List of Prosecution/Defence/Material Exhibits**

A. Prosecution

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

B. Defence:

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

**FINDINGS**

10. To substantiate the charges levelled against A1, despite several opportunities, the prosecution did not produce a single piece of evidence in support of its case.
11. Thus, 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. 341, 323, 504 and 506 of IPC. Hence, the A1 is hereby **acquitted** in this case of all the charges. A1 as well as his respective bailors stand discharged from the liabilities of their respective bail bonds.

(Dictated and corrected)

Pronounced by me in open court today.

Sd/-

Sd/-

**(Smriti Tripathi)**

JO Code: JH02021

JM 1<sup>st</sup> Class, Ramgarh

*Ramgarh, dated the 13<sup>th</sup> July, 2023*

**(Smriti Tripathi)**

JO Code: JH02021

JM 1<sup>st</sup> Class, Ramgarh

*Ramgarh, dated the 13<sup>th</sup> July, 2023*