



The Court of JM 1st Class, Ramgarh
Present: Smriti Tripathi
Judicial Magistrate
20th March, 2023
District: Ramgarh
G.R. Case No. 310/2018
CNR No. JHRG030035672018
Gola PS Case No. 26/2018

Informant	State (through Kumar Gaurav)
Represented By	<i>Smt. Manju Kachchap, Id. APP</i>
Accused	Gokhul Munda s/o Madhwo Munda, male, aged about 26 years, r/o Nawatoli, Chhatatand, PS Gola, District Ramgarh [A1]
Represented By	<i>Sri Bhagirath Kumar , Ld. Advocate</i>

Date(s) of Offence	18.03.2018
Date of FIR	18.03.2018
Date of Chargesheet	13.05.2018
Date of framing of charge	24.05.2018
Date of Commencement of evidence	06.06.2018
Date when Judgment is reserved	20.03.2023
Date of Judgment	20.03.2023
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	Gokhul Munda	18.03.18	04.10.18	s. 384/386, IPC	Acquitted	None	N/A

J U D G M E N T

- The aforementioned accused person (hereinafter referred to as "**A1**") is facing trial for charges framed u/s. 384/386 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 application of Kumar Gaurav (hereinafter referred to as the "**informant**") is that he has a General Store near S.S. High School and on 18.03.2018 at about 9:00 PM, while he was in his shop, suddenly, an unknown person came there and claimed that he is the member of a banned extremist organization and asked for his mobile number. As the informant got scared and started screaming, the person tried to run away but was caught hold of by the local people and was handed over to police. Upon interrogation, he disclosed that his name is Gokhul Munda and on his search one Gionee mobile in-built Telinor SIM no. 8540951437 was recovered from him through which, he used to threaten people and ask for ransom in the name of *maoist* organization. Hence, this case.

FROM INVESTIGATION TILL TRIAL

3. After Investigation, the Investigating Officer submitted **charge-sheet** bearing no. 44/2018 dated 13.05.2018 against A1 for the offence u/s. 384/386 of IPC and thereafter, **cognizance** was taken under the same sections by the then court on 16.05.2018.
4. After supplying police papers to A1, on 24.05.18 **Charge was framed** for the offence u/s. 384/386 against the accused A1 in simple Hindi to which he pleaded not guilty and claimed to be tried.
5. After closing the prosecution evidence on 08.02.2023, the material against A1 was put to him and his **statement** was recorded u/s. 313 of CrPC on 15.02.23 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.

ARGUMENTS ADVANCES

7. The prosecution didn't argue much due to 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 as out of four, three of them have been declared hostile by the Id. APP. It was also submitted that the prosecution has failed to prove the guilt of A1 beyond reasonable doubt, and thus, he deserves to be acquitted.

POINTS FOR CONSIDERATION

9. 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.

9.1 Whether A1 intentionally put the informant in fear of any injury to him, or to any other, and thereby dishonestly induced the informant to deliver to A1 any property, or valuable security or anything signed or sealed which may be converted into a valuable security?

9.2 Whether A1 committed extortion as above by putting the informant in fear of death or of grievous hurt to him or to any other?

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 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.

EVIDENCES**List of Prosecution/Defence Witnesses**

A. Prosecution:

Rank	Name	Nature of Evidence
PW1	Raju Singh	Hostile Witness
PW2	Mohan Kumar Sao	Hostile Witness
PW3	Mahesh Sao	Hostile Witness
PW4	Kumar Gaurav	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.1	Written report

B. Defence:

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

FINDINGS

11. Whether A1 intentionally put the informant in fear of any injury to him, or to any other, and thereby dishonestly induced the informant to deliver to A1 any property, or valuable security or anything signed or sealed which may be converted into a valuable security?; Whether A1 committed extortion as above by putting the informant in fear of death or of grievous hurt to him or to any other?

11.1 PW01-03 have turned hostile and did not depose anything substantial to support the prosecution case.

11.2 PW04, the informant fully corroborated the prosecution case. He deposed that upon search they found A1's mobile phone from his person and handed it over to the police. Upon his identification, Exhibit 1 was marked. However, he expressed his inability to identify A1 and deposed that as he was fleeing, he was caught hold of at the road and not his shop.

11.3 Apart from these, the prosecution has not produced any evidence. The Investigating Officer was no produce to depose the details of the investigation carried out by him. no independent witness was produced before the court to support the prosecution case. Even the informant has denied to identify A1. In such a case, there is lack of any material indicating that A1 committed the alleged crime.

11.4 A1 is therefore, acquitted u/s. 384/386, IPC.

ORDERED

12 Having gone through the material available on record, this court finds that the prosecution case is shorn of even a single piece of evidence indicating that A1 committed the alleged offence. This court is thus, of the considered opinion that the prosecution has failed to substantiate the charges u/s. 384/386 of IPC. Hence, A1 is hereby **acquitted** of all charges in this case. He and his bailors stand discharged from the

liabilities of their respective bail bonds.

(Dictated and corrected)

Pronounced by me in open court

Sd/-

Sd/-

(Smriti Tripathi)

JO Code: JH02021

JM 1st Class, Ramgarh

Ramgarh, dated 20th March, 2023

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