



The Court of JM 1<sup>st</sup> Class, Ramgarh  
Present: Smriti Tripathi  
Judicial Magistrate  
13<sup>th</sup> June, 2023  
District: Ramgarh  
G.R. Case No.119/2018  
CNR No. JHRG030038122018  
Gola PS Case No. 16/2018

|                |   |
|----------------|---|
| Informant      | State (through Sanjati Devi)  |
| Represented By | <i>Smt. Manju Kachchap, Id. APP</i>   |
| Accused        | Tanu Karmali s/o late Ugan Karmali, male, aged about 40 years [A1] r/o-Chokad, P.S.Gola,Dist. Ramgarh |
| Represented By | <i>Sri R.N. Mukherjee , Ld. Advocate</i>  |

|                                  |                  |
|----------------------------------|------------------|
| Date(s) of Offence               | 14.01.18 onwards |
| Date of FIR                      | 06.02.2018       |
| Date of Chargesheet              | 31.08.2018       |
| Date of framing of charge        | 17.11.2021       |
| Date of Commencement of evidence | 16.12.2021       |
| Date when Judgment is reserved   | 31.05.2023       |
| Date of Judgment                 | 13.06.2023       |
| 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                  | Tanu Karmali        | 06.02.18       | 14.03.18                | s. 420/384/504 of IPC | Acquitted                      | None             | N/A  |

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

1. The aforementioned accused person (hereinafter referred to as “**A1**”) is facing trial for charges framed u/s. 420/384/504 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 Sanjati Devi (hereinafter referred to as the “**informant**”) is that she is resident of village Chokad, P.S. Gola, Distt. Ramgarh. On 12.01.2018 her son Sudesh Mahto was outside from the house and till the evening he did not return to home and on 14.01.2018 his dead body was found into the Well in eastern side it assumed that he was murdered and thrown into the Well. Thereafter she alongwith villagers reached at the place of incident it was lying dead near the Well then matter was reported to Gola P.S. suddenly accused Tanu Karmali came there and forced the people to perform funeral of dead of his son and threatened and abused them and on 31.01.2018 he again came to the house and abusing the family members of informant. Prior to this incident there was dispute regarding drowing the rope and bucket into the Well that period Tanu Karmali said that FIR could not be lodged against Uttam Mahto. He asked Rs. 2000/- from Upasi Devi but she paid only Rs. 800/- to Tanu Karmali. He used to demand money from innocent villagers to save them from police case or legal action. Hence, this case.

#### **FROM INVESTIGATION TILL TRIAL**

3. After Investigation, the Investigating Officer submitted **charge-sheet** bearing no.91/2018 dated 31.08.2018 against A1 for the offence u/s. 420/384/504 of IPC and thereafter, **cognizance** was taken under the same sections by the then court on 27.11.2018.
4. After supplying police papers to A1, on 17.11.2021 **Charge was framed** for the offence u/s. 420/384/504 of IPC 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 23.05.2023, the material against A1 was put to him and his **statement** was recorded u/s. 313 of CrPC on 31.05.2023 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.

#### **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.
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  | Teju Mahto                   | Hostile            |
| PW2  | Vikash Mahto                 | Hostile            |
| PW3  | Bablu @ Babli Mahto @ Pankaj | Hostile            |
| PW4  | Sanjati Devi                 | informant          |

B. Defence:

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

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

A. Prosecution:

| Sr. No. | Exhibit Number           | Description         |
|---------|--------------------------|---------------------|
| 1       | Ext.X for identification | Written application |

B. Defence:

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

## **FINDINGS**

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

11.1 PW04, the informant fully corroborated the prosecution case/written report of FIR. Upon her identification, Mark X was marked. She claimed to identify the accused. who is Chowkidar. In her cross-examination she deposed that she was unable to disclose the name of other persons who informed about the incident. She is unable to exact date on which accused Tanu Karmali abused and him. When her gotni Upasi Devi paid bribe to accused he is not known. The instant case was not insituted on the day of funeral of deceased or giving money to accused. Tanu Karmali was doing chowkidari before three years ago.

11.2 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.

11.3 A1 is therefore, acquitted u/s. 420/384/504 of 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. 420/384/504 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 1<sup>st</sup> Class, Ramgarh

*Ramgarh, dated 13<sup>th</sup> June, 2023*

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