

The Court of JM 1<sup>st</sup> Class, Ramgarh  
Present: Mrs. Smriti Tripathi  
Judicial Magistrate  
19<sup>th</sup> December, 2022  
District: Ramgarh  
G.R. Case No. 1126/2017  
CNR No. JHRG030010132017  
Mandu (Kujju) PS Case No. 255/2017

Informant	State (Through RK Gupta, Project Officer, Topa Colliery)
Represented By	Smt. Manju Kachchap, Id. APP
Accused	Jitan Saw s/o late Munshi Sao, male, aged about 62 years, r/o village Datma Basti, PS Mandu, District Ramgarh [A1]
Represented By	Sri Ashutosh Kumar, Id. Adv.

Date(s) of Offence	12.10.2017
Date of FIR	13.10.2017
Date of Chargesheet	20.07.2018
Date of substance of accusation	09.10.2018
Date of Commencement of evidence	03.01.2019
Date when Judgment is reserved	16.12.2022
Date of Judgment	19.12.2022
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	Jitan Saw	None	29.05.2018	s. 341, 342, 323, 353, 504, 506 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 substance of accusation explained u/s. 341, 342, 323, 353, 504, 506 of The Indian Penal Code, 1860 (Hereinafter referred to as the “**IPC**”).

2. The compendious **case of the prosecution** as sourced from the written report of R.K. Gupta, Project Officer of Topa Colliery (hereinafter referred to as the “**informant**”) is that on 12.10.2017, while he was going from his office to open cast Topa, at the Project Office, A1 alongwith other male and female persons came there and started abusing, pushing and dashing the informant. Thereafter, they locked him in a room and prevented him from discharging his official duty. Hence, the instant FIR was registered as Mandu (Kujju) PS Case No. 255/17 u/s. 341, 342, 323, 353, 504, 506/34 of IPC against A1.
3. After Investigation, the Investigating Officer submitted **charge-sheet** bearing no. 121/2018 dated 20.07.2018 against A1 u/s. 341, 342, 323, 353, 504, 506 of IPC and thereafter, **cognizance** was also taken under the same sections on 03.08.2018.
4. Thereafter, on 08.10.2018, **substance of accusation** was explained to A1 u/s. 341, 342, 323, 353, 504, 506 of IPC in simple Hindi to which he pleaded not guilty and claimed to be tried and the record was advanced for prosecution evidence.
5. After closing the **prosecution evidence** on 16.12.2022, the **statement of A1 was recorded u/s. 313 of CrPC** on the same day in which he denied the case 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 Id. Assistant Public Prosecutor did not argue much due to lack of any material on its behalf. 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, and he thus, deserves to be acquitted.
8. The Court will now consider whether the prosecution has been able to substantiate the charges levelled against A1 beyond reasonable doubt or not. Evidences adduced on behalf of both sides is enlisted below:

**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:

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

B. Defence:

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

FINDINGS

9. 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.

10. 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.

11. Thus, this court is of the considered opinion that the prosecution has failed to substantiate the charge U/s. 341, 342, 323, 353, 504, 506 of 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)

Pronounced by me in open court.

Sd/-

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(Smriti Tripathi)  
JO Code: JH02021  
JM 1<sup>st</sup> Class, Ramgarh  
Ramgarh, dated the 19<sup>th</sup> December, 2022

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