



The Court of JM 1st Class, Ramgarh
Present: Smriti Tripathi
Judicial Magistrate
23rd May, 2023
District: Ramgarh
G.R. Case No.785/2018
CNR No. JHRG030015772018
Gola PS Case No. 61/2018

Informant	State (Through Surendra Kumar)
Represented By	<i>Smt. Manju Kachchap, Id. APP</i>
Accused	1. Punam Devi w/o Pradip Rajwar, female, aged about 23 years [A1] 2. Sandip Rajwar s/o Shankar Rajwar, male, aged about 24 years [A2] 3. Pradip Rajwar s/o Shankar Rajwar, male, aged about 27 years [A3] 4. Pawan Rajwar s/o Jhubar Rajwar, male, aged about 29 years [A4] 5. Santosh Rajwar s/o Niru Rajwar, male, aged about 42 years [A5] 6. Chhotu Rajwar @ Anil Rajwar s/o Ghanshyam Rajwar, male, aged 22 years [A6] 7. Rajendra Rajwar s/o Girdhari Rajwari, male, aged about 30 years [A7] 8. Vishun Rajwar s/o Girdhari Rajwar, male, aged about 38 years [A8] 9. Manoj Rajwar s/o Niru Rajwar, male, aged about 30 years [A9] all r/o Korambey, PS Gola, District Ramgarh
Represented By	<i>Sri Rajendra Kumar, Ld. Advocate</i>

Date(s) of Offence	12.06.2018
Date of FIR	18.06.2018
Date of Chargesheet	31.10.2018
Date of substance of accusation	12.03.2020
Date of Commencement of evidence	21.03.2020
Date when Judgment is reserved	23.05.2023
Date of Judgment	23.05.2023
Date of Sentencing Order, if any	N/A

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	Punam Devi	10.07.18	10.07.18	s. 147, 341/34 and 323/34, IPC	Acquitted	None	N/A

A2	Sandip Rajwar	10.07.18	10.07.18	s. 147, 341/34 and 323/34, IPC	Acquitted	None	N/A
A3	Pradip Rajwar	10.07.18	10.07.18	s. 147, 341/34 and 323/34, IPC	Acquitted	None	N/A
A4	Pawan Rajwar	10.07.18	10.07.18	s. 147, 341/34 and 323/34, IPC	Acquitted	None	N/A
A5	Santosh Rajwar	10.07.18	10.07.18	s. 147, 341/34 and 323/34, IPC	Acquitted	None	N/A
A6	Chhotu Rajwar @ Anil Rajwar	10.07.18	10.07.18	s. 147, 341/34 and 323/34, IPC	Acquitted	None	N/A
A7	Rajendra Rajwar	10.07.18	10.07.18	s. 147, 341/34 and 323/34, IPC	Acquitted	None	N/A
A8	Vishun Rajwar	10.07.18	10.07.18	s. 147, 341/34 and 323/34, IPC	Acquitted	None	N/A
A9	Manoj Rajwar	10.07.18	10.07.18	s. 147, 341/34 and 323/34, IPC	Acquitted	None	N/A

J U D G M E N T

1. The afore-named accused persons (Hereinafter referred to as “**A1 to A9**”) are facing trial for charges framed u/s. 147, 341/34 and 323/34 of The Indian Penal Code, 1860 (Hereinafter referred to as the “**IPC**”).

PROSECUTION CASE

2. The compendious case of the prosecution, as sourced from written report of Surendra Kumar (hereinafter referred to as the “**informant**”) is, that on 12.06.18 at about 9.30AM, A1-A9 left their goat to graze in his corn cultivation field and when he raised his objection, A3 and his wife abused and threatened him with a fight. In the evening, they arrived in drunken state with their relatives and all A1-A9 assaulted the informant, his parents and wife and A3 also took ₹20,000/- after breaking a window and a box kept inside the informant’s house and threatened him with his life. Hence, this case.

FROM INVESTIGATION TILL TRIAL

3. After investigation, the Investigating Officer submitted **charge-sheet** bearing no. 106/2018 dated 31.10.2018 against A1 to A9 for the offence u/s. 147, 341/34 and 323/34 of IPC and thereafter, **cognizance** was taken under the same sections by the then court on 04.12.2018 and A1-A9 were summoned.
4. After supplying police paper to A1-A9, on 12.03.2020 **substance of accusation was explained** to them u/s. 147, 341/34 and 323/34 of IPC in simple Hindi to which they

pleaded not guilty and claimed to be tried, and the record was advanced for prosecution evidence.

5. After closing the **prosecution evidence** on 22.05.2023, material available against A1-A9 was put to them and their respective **statement** was recorded u/s. 313 of CrPC in which they denied the material available against 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 ADVANCES

7. The prosecution argued that the case has been supported by the witness beyond reasonable doubt which warrant conviction of A1 to A9.
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 PWs. It was submitted that the prosecution has failed to prove the guilt of A1 to A9 beyond reasonable doubt. Reliance was also heavily placed on the hostility of the informant and that the parties have now compromised the case.

POINTS FOR CONSIDERATION

9. Now, the Court will consider as to whether the prosecution has been able to substantiate the allegation u/s. 147, 341/34 and 323/34 of IPC levelled against A1 to A9 beyond reasonable doubt or not.
 - 9.1 Did anyone or all of A1-A9, being a part of an unlawful assembly, use force or violence, in prosecution of the common object of such assembly, and thereby committed the offence of rioting?
 - 9.2 Did A1-A9 share the common intention and did an act with the intention of causing hurt to the informant and victims, or with the knowledge that they are likely thereby to cause hurt to them, and did thereby cause hurt to them?
 - 9.3 Did A1-A9 voluntarily obstruct informant and victims so as to prevent them from proceeding in any direction in which they had a right to proceed, and thereby wrongfully restrained them?
10. Before the court dwells to consider the points of determination as stated above, it would be apt to enlist the evidences brought in this case by all sides for the sake of brevity and

proper reference, reference to only the relevant portions of which is made at relevant parts of this judgment, although they have all been perused by this court in detail. They are:

List of Prosecution/Defence Witnesses

A. Prosecution:

Rank	Name	Nature of Evidence
PW01	Kuwari Devi	Hostile Witness [Victim]
PW02	Surendra Kumar	Hostile 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-		

C. Material Objects:

Sr. No.	Exhibit Number	Description
- Nil-		

FINDINGS

11. Did anyone or all of A1-A9, being a part of an unlawful assembly, use force or violence, in prosecution of the common object of such assembly, and thereby committed the offence of rioting?;Did A1-A9 share the common intention and did an act with the intention of causing hurt to the informant and victims, or with the knowledge that they are likely thereby to cause hurt to them, and did thereby cause hurt to them?; Did A1-A9 voluntarily obstruct informant and victims so as to prevent them from proceeding in any direction in which they had a right to proceed, and thereby wrongfully restrained them?

11.1 All these points are being taken up together.

11.2 The prosecution produced only two witnesses, the informant and his mother, both of whom have turned hostile. None of them have supported the version of events as made out in the prosecution case. The extent of their allegations as deposed before the court is that the case was filed due to minor quarrel.

12. Having gone through the material available on record, this court is of the considered opinion that the prosecution has failed to substantiate the charge u/s. 147, 341/34 and 323/34 of IPC. Hence, A1-A9 are all hereby **acquitted** of all the charges in this case. A1-A9 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/-

Sd/-

(Smriti Tripathi)

JO CODE: JH02021

JM 1st Class, Ramgarh

Ramgarh, dated the 23rd May, 2023

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