

**Session Trial No. 605/2017**

**State Versus. Ramjeet Ram**

1

District :- Aurangabad (Bihar)

**IN THE COURT OF THE SESSIONS JUDGE, AURANGABAD**

Present :- Rajeev Ranjan Kumar,  
Sessions Judge,  
Aurangabad (Bihar)

Session Trial No.605/2017

[Mali P.S. Case No.40/2015]

Dated, the 04<sup>th</sup> day of May, 2026

State through Muneshwar Ram.....Prosecution

**Versus**

(1) Ramjeet Ram.....aged about 29 years  
.....Accused person.

For the State :- Sri Ajay Kumar, Ld. P.P.

For the Defence :- Sri Ashok Kumar, Ld. Adv.

Date of Offence	14.08.2015
Date of First Information Report	15.08.2015
Date of Charge-sheet	13.11.2015
Date of framing of Charges	10.01.2018
Date of commencement of evidence	20.06.2023
Date on which judgment is reserved	27.04.2026
Date of the Judgment	04.05.2026
Date of the Sentencing Order, if any	14.05.2026

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 Section 428, Cr.P.C.
1	Ramjeet Ram	02.11.2015	30.11.2015	307/34, 379/34 and 504/34 of IPC	Convicted	Released in view of Section 4 of Probation of Offender Act	N.A.

**LIST OF PROSECUTION/DEFENCE/COURT WITNESSES**

**A. Prosecution**

<b>RANK</b>	<b>NAME</b>	<b>NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)</b>
PW1	Muneshwar Ram (Informant)	Other Witness
PW2	Dr.Sriram Prasad	Medical Witness
PW3	Shivnath Singh (Investigating Officer)	Other Witness
PW4	Doman Paswan	Hostile Witness
PW5	Yogendra Paswan	Hostile Witness
PW6	Rajendra Singh	Hostile Witness
PW7	Rajmohan Kumar Chandravanshi @ Rajmohan Singh	Hostile Witness

**B. Defence Witnesses, if any:**

<b>RANK</b>	<b>NAME</b>	<b>NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)</b>
DW1		-

**C. Court Witnesses, if any :**

<b>RANK</b>	<b>NAME</b>	<b>NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)</b>
CW1	-	-

**LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS**

**A. Prosecution:**

<b>Sr. No.</b>	<b>Exhibit Number</b>	<b>Description</b>
1	Ext P1	Signature over written report
2	Ext P2	Injury report
3	Ext P3	Endorsement
4	Ext P4	Formal FIR
5	Ext P5	Charge-sheet

J U D G M E N T

1. Before advertng to the merits of the case, it is pertinent to note that during pendency of the trial, accused Ram Chandra Ram was expired on dated 09.11.2024 and thereafter, the proceedings against him stood abated vide order dated 04.01.2025. Consequently, the present trial has been conducted only against the surviving accused, named as Ramjeet Ram.

2. The accused person named as **Ramjeet Ram** stands charged for the offence punishable under Sections 307, 379 and 504/34 of the Indian Penal Code (in short 'IPC').

3. As per written report of the informant, the briefly stated prosecution story is that on dated 14.08.2015 about 07:00PM, Ram Chandra Ram (elder brother of informant) now deceased had abused and assaulted the informant. In the meantime, the son of Ram Chandra Ram named as Ramjeet Ram (accused herein) had assaulted the informant by garasa by which he fell down. It is also alleged that Ram Chandra Ram had snatched Rs.2000/- from his pocket. On hearing shouting, the son of informant named as Satrudhan reached the place of occurrence and brought the informant to the hospital.

4. On the basis of written report given by the informant, a Mali P.S. Case No. 40/2015 dated 15.08.2015 has been registered against accused persons for offence u/s 341, 323, 307, 379, 504, 34 of IPC. After investigation, the Investigating Officer (I.O.) has submitted charge-sheet vide No. 70/2015 dated 13.11.2015 against accused persons Ram Chandra Ram and Ramjeet Ram.

5. Thereafter, the Learned Magistrate has taken cognizance on dated 09.03.2016 for offence u/s 341, 323, 307, 379, 504/34 of IPC and issued process against the accused persons. The police papers were supplied to accused person on dated 21.11.2017. On dated 22.11.2017, the record of the case was committed to the Court of sessions. The charge against accused person, named as Ramjeet Ram was framed on dated 10.01.2018 for an offence under Sections 307/34, 379/34 and Section 504/34 of IPC. After hearing the charge in Hindi, he pleaded not guilty and claimed to face trial before the court.

6. During course of trial, the prosecution has produced seven witnesses from its side. The defence has neither produced any witness nor exhibited any documents. After completion of examination of prosecution witnesses, the accused person named as Ramjeet Ram was examined under section 313 of Cr.PC. During examination of accused person u/s 313 of the Cr.P.C., there were circumstances brought before him which had come up during prosecution evidence and in reply to the same, the accused person denied the allegation as he has no role in the said crime and has been falsely implicated in the case.

7. Now the issue before the court is - whether the prosecution has been able to prove the charges leveled against accused person beyond all reasonable doubt.

8. **PW4, PW5, PW6 and PW7 have been** declared hostile by the prosecution as they deposed before the court that they do not know anything about the occurrence and police have not recorded their statement.

9. **PW1, Muneshwar Ram (the informant)**, has stated that he had given a written application on the basis of which an FIR has been lodged and identified his handwriting and signature, marked as Exhibit P1. He further stated that the occurrence took place at about eight years ago. Ram Chandra Ram was his elder brother. Ram Chandra Ram accused him of misleading his daughter-in-law and alleged that he had caused her to run away. When the informant denied any such involvement, his brother Ram Chandra Ram had assaulted him. Thereafter, Ramjeet Ram had also assaulted him with a garasa, due to which he fell into a drainage. The accused persons then fled away. He further stated that when he went to the police station, he was first sent to the hospital, and after treatment, he returned to the police station and lodged an FIR. His son Satrudhan Kumar had taken him to the hospital. **During cross-examination**, he stated that he has five brothers i.e. PW1, Ramchandra, Indradeo, Muneshwar and Dudheshar. There has been no formal partition among them, though each brother is in separate possession of portions of the house. All brothers reside in the same premises, though Ramchandra has a house consisting of four-rooms, while the others have one room

to each. The courtyard of Ramchandra is separate and his house is about five steps away from the house of Ramchandra Ram. He further stated that there is no dispute among them regarding land or property. He clarified that the cause of incident was that Ramjeet Ram had assaulted his wife, and when he objected, then, Ramjeet Ram assaulted him too. He further stated that Ramjeet Ram beaten his wife inside the house, while this witness was assaulted outside, at some distance from the house. The place of occurrence was bounded by a lane to the north, a drain to the south, a field to the west, and another lane to the east. He further deposed that two persons were present at the time of occurrence, one Yogendra and another a woman and that he was assaulted at their doorway. It had already become dark at the time of incident. When he tried to run away, he collided with a cattle and fell down, after which, he was assaulted by garasa. He clarified that the injuries were caused by garasa and not due to the fall. Due to fall, he was caught by the accused. He also stated that he had become unconscious for a short period after being assaulted. He further stated that the accused struck him once with the garasa causing injury and on the second blow, his stick got broken and the edge of drain was also got damaged. He admitted that he did not show the broken piece of the stick to the Investigating Officer. He had written the application. He narrated the incident to the police clerk (munshi), after which the application was formally written. He further stated that his wife and son had accompanied him to the police station.

**10. PW2- Dr. Sriram Prasad** who examined Bhunshwar Ram and found the following injuries on his person:-

*Injury -1 Lacerated wound on scalp 6 inch x ½ inch x muscle deep margin lacerated.*

*Opinion regarding injury has been kept reserved till receipt of x-ray and CT scan report from Sadar Hospital, Aurangabad or higher centre*

*This injury may be possible by blunt part of Garasa.*

*This injury report has been written, signed as well as identified by him. Marked as exhibit P2*

During cross-examination he stated that time of injury is not mentioned in the report. Such type of injury may be caused due to fall on hard surface. Supplementary report has not received. X-ray report and CT scan report are not

available. This suggestion is not correct that this injury report is not scientific.

11. **PW3- Shivnath Singh, who is I.O. of this case**, has stated that on dated 15.08.2015 he was posted at Mali Police station. On that day, the officer in-charge was Ranjeet. He identified the handwriting and signature of Ranjeet in formal FIR. He inspected the place of occurrence. South - there is a lane and the house of Bahadur Paswan. North - lane followed by a drain, East – lane and West - house of Basisth Singh. He recorded the statement of informant. He also recorded the statement of witnesses named as Rajmohan Kumar, Yogendra, Doman Ram, Rajendra Singh. **During cross-examination** he stated that he had not mentioned in the case diary that who had identified the place of occurrence. He has also admitted that he had not recorded the statements of witnesses residing at the place of occurrence. He further stated that both parties are own brothers. He admitted that he had not seized any blood-stained clothes from the place of occurrence.

12. During course of argument, learned P.P. submitted that the prosecution has proved its case beyond reasonable doubt through the cogent and reliable testimony of PW1, who is the informant as well as an injured witness. He has stated that there is a specific allegation against that the accused person Ramjeet Ram who assaulted the informant by a garasa, causing head injury to him. His presence at the place of occurrence is natural and his testimony inspires confidence. The medical evidence given by PW2 supports the prosecution case, as the injury on the head is proved and the doctor has opined that such injury is possible by the alleged weapon. The injury being on a vital part of the body shows the intention of the accused. It is further submitted that merely because some witnesses have turned hostile, the prosecution case does not fail, especially, when the testimony of the injured witness is trustworthy. Minor lapses in investigation are not sufficient to discard the otherwise reliable evidence on record. Therefore, it is prayed that the accused Ramjeet Ram be convicted for the offence charged.

13. Leaned counsel for defence has vehemently opposed the submission of Ld. P.P. for the state and has submitted that the prosecution has miserably failed to establish the charges against the accused person beyond all reasonable doubt. At the very outset, it is evident that out of total seven witnesses examined by the

prosecution, PW4, PW5, PW6 and PW7 have been declared hostile and have not supported the prosecution case at all. Thus, the prosecution case rests substantially on the sole testimony of PW1, the informant. It is further submitted that PW1 is an interested witness being a family member and admittedly, there are multiple brothers living in the same premises. Though, he denies property dispute but false implication can't be ruled out. No independent witnesses had supported the occurrence. Further, the medical evidence does not conclusively support the prosecution case. PW2, the doctor, has categorically stated in his cross-examination that the injury found on the person of informant may also be caused due to fall on a hard surface. Thus, the alleged use of garasa and intention to cause such injury becomes doubtful. It is further submitted that there are serious lapses in the investigation. The Investigating Officer has admitted that no blood-stained clothes were seized, no weapon of offence was recovered, and no independent or boundary witnesses were examined. It is also submitted that the essential ingredients of offence under Section 307 IPC are not made out. There is only one injury alleged, no repeated assault, and no material to establish intention or knowledge to cause death. The injury itself is not proved to be grievous or life-threatening. In view of the above, it is clear that the prosecution has failed to prove its case beyond reasonable doubt, and the accused is entitled to benefit of doubt. Hence, it is prayed that the accused Ramjeet Ram be acquitted of all the charges.

14. Heard either side and perused the record.

### **FINDING**

15. After careful appraisal of evidence available on record, this Court deems it appropriate to examine the criminal liability of the accused Ramjeet Ram in a structured manner, with respect to each of the offences with which he stands charged i.e. Sections 307, 379 and 504 of the IPC. Before dealing with the individual charges, it is necessary to first refer to the legal provision of Section 307 of the Indian Penal Code for proper appreciation of the evidence. Section 307 of the IPC, which reads as under:

*“Section 307- Whoever does any act with such intention or knowledge, and under such circumstances that, if he by that act caused death, he*

*would be guilty of murder, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine; and if hurt is caused to any person by such act, the offender shall be liable either to imprisonment for life, or to such punishment as is hereinbefore mentioned.”*

**16.** After consideration of the evidence on record, it clearly shows that in the present case there is no material to indicate any intention on the part of the accused to cause death of the victim. There is also no evidence of repeated assault or use of excessive force so as to bring the act within the ambit of Section 307 IPC. On the contrary, the informant himself has stated in his cross-examination that the cause of the incident was that the accused Ramjeet Ram was assaulting his wife and when he objected, he was also assaulted. This version clearly suggests that the occurrence was not pre-planned or motivated to cause death, but arose out of a sudden and spontaneous quarrel. The overall circumstances thus indicate that the incident was a result of a sudden flare-up between the parties, which unfortunately led to an accidental injury rather than a deliberate attempt to take life. In this regard, the Hon'ble Apex Court in **Hari Singh vs. Sukhbir Singh and Others (1988) 4 SCC 551**, wherein it has been observed that where the fight is accidental owing to a sudden quarrel, the conviction under Section 307 of I.P.C is generally not called for and refused to disturb the acquittal of accused under Section 307 of I.P.C.. The Apex Court has held thus :-

*7. On the first question as to acquittal of the accused under Section 307/149 IPC, some significant aspects may be borne in mind. Under Section 307 IPC what the Court has to see is, whether the act irrespective of its result, was done with the intention or knowledge and under circumstances mentioned in that section. The intention or knowledge of the accused must be such as is necessary constitute' murder. Without this ingredient being established, there can be no offence of "attempt to murder". Under Section 307 intention precedes the act attributed to accused. Therefore, the intention is to be gathered from all circumstances, and not merely from the consequences that ensue. The nature of the weapon used, manner in which it is used. motive for the crime, severity of the blow, the part of the body where the injury is inflicted are some of the factors that*

*may be taken into consideration to determine the intention. In this case, two parties in the course of a fight inflicted on each other injuries both serious and minor. The accused though armed with ballam never used the sharp edge of it. They used only the blunt side of it despite they being attacked by the other side. They suffered injuries but not provoked or tempted to use the cutting edge of the weapon. It is very very significant. It seems to us that they had no intention to commit murder. They had no motive either. The fight as the High Court has observed, might have been a sudden flare up. **Where the fight is accidental owing to a sudden quarrel, the conviction under Section 307 is generally not called for.** We, therefore, see no reason to disturb the acquittal of accused under under Section 307 IPC.”*

In the present case, as observed herein above, there seems to be no intention on the part of accused person to commit murder. Applying the aforesaid settled principle to the facts of the present case, this Court is of the considered view that the essential ingredients of Section 307 IPC are not satisfied. Accordingly, the charge under Section 307 of IPC is not made out against the accused.

17. Now, coming to the next charge under Sections 379 of the IPC, it is necessary to first reproduce the relevant provision for proper appreciation of the allegation. Section 379 IPC reads as under:

*“Section 379- Whoever commits theft shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.”*

18. A bare reading of the above provision makes it clear that to constitute the offence of theft, there must be dishonest intention to take movable property out of the possession of any person without his consent. In the present case, the allegation with respect to theft of Rs. 2000/- is stated to have been made only against the deceased co-accused Ram Chandra Ram. So far as, the present accused Ramjeet Ram is concerned, there is no specific allegation that he was involved in the alleged act of snatching or removal of money. Further, the evidence on record does not disclose any recovery of the alleged amount, nor is there any independent

corroboration to support such allegation. The version of the informant remains general in nature and is not substantiated by any supporting material. In absence of proof of dishonest intention and actual taking of property, the essential ingredients of Section 379 IPC remain unestablished against the accused. Accordingly, this Court finds that the prosecution has failed to prove the charge under Sections 379 IPC beyond reasonable doubt.

**19.** Now, coming to the last charge under Sections 504 of the IPC, it is necessary to first refer to the legal provision for proper appreciation of the allegation. Section 504 IPC reads as under:

*“Section 504- Whoever intentionally insults, and thereby gives provocation to any person, intending or knowing it to be likely that such provocation will cause him to break the public peace or to commit any other offence, shall be punished...”*

From a plain reading of the above provision, it is evident that to constitute an offence under Section 504 IPC, there must be a clear act of intentional insult, coupled with the requisite mens rea that such insult is likely to provoke breach of peace. In the present case, the prosecution evidence does not disclose any specific or clear instance of intentional insult attributable to the accused Ramjeet Ram. The allegations are general in nature and primarily revolve around the incident of altercation and assault. There is no convincing evidence on record to establish that the accused had intentionally insulted the informant with the specific object of provoking him to breach public peace or commit any offence. Accordingly, this Court is of the considered view that the prosecution has failed to prove the charge under Sections 504/34 IPC beyond reasonable doubt against the accused.

**20.** Having held that the prosecution has failed to prove the charges under Sections 307, 379 and 504 IPC, this Court now proceeds to examine whether any lesser offence is made out from the evidence available on record. On careful scrutiny of the testimony of PW2, also lends support to the prosecution case. The doctor has found a lacerated wound on the scalp of informant and has opined that the injury may be possible by a blunt or sharp-edged weapon like garasa. This medical opinion, when read in conjunction with the oral testimony of PW1, strengthens the prosecution version regarding the manner of assault. Though some witnesses have turned hostile and there are certain lapses in investigation, the same

are not fatal to the prosecution case when there is reliable and cogent evidence of the injured witness supported by medical evidence. It is also settled law that minor contradictions or deficiencies in investigation cannot outweigh trustworthy ocular evidence. **In this regard, the Hon'ble Apex Court in Krishnegowda & Ors. vs State Of Karnataka by Arkalgud Police in Criminal Appeal No. 635 of 2006 decided on 28 March, 2017 has held that:-**

*“It is settled law that mere latches on the part of Investigating Officer itself cannot be a ground for acquitting the accused. If that is the basis, then every criminal case will depend upon the will and design of the Investigating Officer. The Courts have to independently deal with the case and should arrive at a just conclusion beyond reasonable doubt basing on the evidence on record.”*

**21.** After careful scrutiny of the deposition of PW1, who is the injured witness, it stands clearly established that there is a specific and categorical allegation against the accused Ramjeet Ram that he had assaulted the informant and caused injury on his head by means of a garasa. His presence at the place of occurrence is duly established. From the facts proved on record, it is evident that the accused voluntarily caused hurt to the informant by means of a dangerous weapon. However, the act does not fulfill the requirements of Section 307 IPC, as discussed above, but clearly falls within the ambit of Section 324 of the Indian Penal Code. Section 324 of IPC provides as under:-

*“Whoever, except in the case provided for by section 334, voluntarily causes hurt by means of any instrument for shooting, stabbing or cutting, or any instrument which, used as a weapon of offence, is likely to cause death, or by means of fire or any heated substance, or by means of any poison or any corrosive substance, or by means of any explosive substance or by means of any substance which it is deleterious to the human body to inhale, to swallow, or to receive into the blood, or by means of any animal, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.”*

In the present case, it is alleged that accused person has assaulted the informant by garasa. Though no weapon of offence has been recovered by the I.O., however considering the deposition of the P.W. 2 (Doctor), it is clear that weapon has been used.

22. Be that as it may, on a careful consideration of the respective contentions and on an overall assessment of the entire conspectus of attendant facts and circumstances of the instant case in an integral manner, this Court is of the considered opinion that although, the prosecution has failed to prove the charges under Sections 307, 379 and 504 IPC beyond reasonable doubt. However, the evidence of PW1, who is the injured witness, coupled with the medical evidence of PW2, clearly establishes that the accused Ramjeet Ram voluntarily caused hurt to the informant by means of a garasa. The injury found on the person of the informant also supports the prosecution case regarding use of a weapon. Accordingly, this Court holds that the offence committed by the accused squarely falls within the ambit of Section 324 IPC, and the accused Ramjeet Ram is liable to be convicted for the said offence.

23. Accordingly, the accused person named as Ramjeet Ram is **hereby held guilty for offence under Section 324 of IPC** and he is hereby convicted for the said offence. As such, his bail bond is hereby cancelled and he is taken into judicial custody. Fixing this case on 14.05.2026 for hearing on the point of sentence.

Dictated & corrected by me

(Rajeev Ranjan Kumar)  
Sessions Judge  
Aurangabad  
04.05.2026

Dictated by me

(Rajeev Ranjan Kumar)  
Sessions Judge  
Aurangabad  
04.05.2026

HEARING ON THE POINT OF SENTENCE

14.05.2026

24. At this stage, learned counsel appearing on behalf of the convicts has filed a petition dated 14.05.2026 praying that the convicts be released under the provisions of the Probation of Offenders Act, 1958.

25. Considering the submissions advanced by the learned counsel for the convict, the nature of the offence proved against him under Section 324 of the IPC, the fact that the occurrence had taken place suddenly in a family dispute without any premeditation, the absence of criminal antecedents, and the fact that the convicts are first-time offenders, this Court is of the opinion that he is entitled to the benefit of Section 4 of the Probation of Offenders Act, 1958. Accordingly, invoking the provisions of Section 4 of the Probation of Offenders Act, 1958, the convict is hereby released on probation of good conduct on furnishing a bond of Rs.5000/- and it is directed that he will maintain peace and of good behaviour for a period of one year and if he is called upon to serve the sentence within three years, he will appear before the Court.

Let a report be called for from the probation officer regarding the conduct and behavior of the convict person during trial of the case and the report will be attached with the record for perusal of the same, if occasions arises in future.

Dictated & corrected by me

(Rajeev Ranjan Kumar)  
Sessions Judge  
Aurangabad  
14.05.2026

Dictated by me

(Rajeev Ranjan Kumar)  
Sessions Judge  
Aurangabad  
14.05.2026