

**IN THE COURT OF KIRAN KUMARI JUDICIAL
MAGISTRATE FIRST CLASS, BEGUSARAI**

Present: KIRAN KUMARI

Date of Judgment:-10-03-2026

C.A. No. 1768/2005

**IN THE COURT OF JUDICIAL MAGISTRATE FIRST CLASS, BEGUSARAI
DISTRICT – BEGUSARAI (BIHAR)**

SUB-DIVISION: BALLIA

(C. A. CASE No. 1768 of 2005)

PRESENT:- MISS. KIRAN KUMARI

FORM -A

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IN THE COURT OF KIRAN KUMARI JUDICIAL MAGISTRATE FIRST CLASS, BEGUSARAI Present: KIRAN KUMARI Date of Judgment:-10-03-2026 C.A. No. 1768/2005	
Complainant	Ganesh Prasad S/o – Lt. Bhagwat Prasad Sharma R/o –Laxhmipur, P.S- Sahebpur Kamal District – Begusarai
REPRESENTED BY	Shri. V. S Sinha, Ld Advocate for the Complainant.
ACCUSED	1. Manoj Sharma 2. Yogi Yadav R/o- Vind Toli , P.S- S. Kamal, District- Begusarai
REPRESENTED BY	Shri. Amar Bhushan Singh, Ld. Defence Counsel.

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FORM -B

Date of offence	22-02-2005, 18-06-2005
Date of Admission	19-09-2005
Date of cognizance	11-04-2007
Date of charge frame and Explain	14-08-2014
Date of commencement of Before Charge Evidence	23-11-2011
Date of Closing of Before Charge Evidence	04-06-2014
Date of Commencement of After Charge Evidence	11-12-2014
Date of closing of After Charge Evidence	16-06-2016
Date of which judgment is reserved	10-03-2026
Date of the Judgement	10-03-2026
Date of Sentencing Order, If any	---



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Accused Details:-

Rank of the Accused	1. Manoj Sharma, aged about- 34 years, S/o- Lt. Dhanik Sharma. 2. Yogi Yadav, aged about- 60 years, S/o- Jamun Yadav R/o -Bindtoli P.S-Sahebpur. Kamal, District - Begusarai
Offences Charged withof the I.P.C	U/s- 147,323, 342, 504, 469 and 471 of IPC
Whether Acquitted or convicted	Acquittal
Sentence Imposed	---

FORM-C

LIST OF PROSECUTION/DEFENCE/COURT WITNESS

RANK	NAME	NATURE OF EVIDENCE
C.W-1	Lakshman Pd. Yadav.	Complainant Witness.
C.W-2	Ganesh Pd Yadav.	Complainant Witness.
C.W-3	Lakshman Pd. Yadav.	Complainant Witness.
C.W-4	Devnandan Pandit.	Complainant Witness.
C.W-5	Bittu Kumar Pashwan.	Complainant Witness.

A. Prosecution

RANK

NAME

NATURE OF EVIDENCE

C.W-1

Lakshman Pd. Yadav.

Complainant Witness.

C.W-2

Ganesh Pd Yadav.

Complainant Witness.

C.W-3

Lakshman Pd. Yadav.

Complainant Witness.

C.W-4

Devnandan Pandit.

Complainant Witness.

C.W-5

Bittu Kumar Pashwan.

Complainant Witness.

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B. Defence Witnesses, If any:

RANK	NAME	NATURE OF EVIDENCE
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C. Court Witnesses if any:

RANK	NAME	NATURE OF EVIDENCE
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LIST OF PROSECUTION/ DEFENCE/COURT EXHIBITS

A. Prosecution:

No.	Exhibit Number	Description
03	Exhibit No-01	Original copy of Case No 03/2015
03	Exhibit No-02	Original copy of Case no. 73/97
03	Exhibit No.-03	Kevala No. 1929 dated 1.10.1997
04	Exhibit No.-3/1	Kevala 1086 datede22.02.2005

B. Defence:

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C. Court Exhibits

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D. Material Object:

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JUDGEMENT

01. Above named accused persons stands tried for offences punishable 147,323, 342, 504, 469 and 471 of IPC. Gaya Devi, Kameshwar Sharma, Vaijnath Sharma died during the course of the trial so the proceedings against him vide order dated 29.01.2021, 03.05.2025 and 29-08-2023. And the trial of the accused Sushila Devi got seperated vide order dated 25.02.2011

Factual Background

02. The complainant case according to the written application of the complainant in brief is that on the father of the complainant bought 1 bigha and 6 dhur of land in Sahebpur Kamal whose Khata no. is 546, 551, Khesra no. 751, 750, Tauzi no. 4987 and total area is 1 bigha and 6 dhur and which was under the possession of complainant father . It further transpires that that the accused want to take the land by making forged document and sold the land. It further transpires that after getting this information the complainant send the copy of kevala and legal notice to the accused but the accused did not replied the notice. It further trnanspires that when the complainant asked to leave the land then the accused started abusing and assaulting him.and told that they will not leave the land do what ever you want to do.

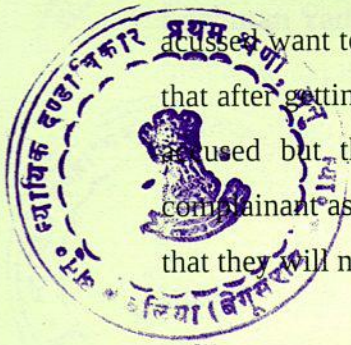
Trial procedure

03. On 06.10.2005 S.A of complainant Shankar Pandit was recorded u/s 200 of Cr.P.C

04. On 10.04.2017 the record was fixed for complainant evidences. That during the trial complainant has produced following evidences:

(i) Oral Evidence

Lalan Yadav in his Examination-in-Chief stated that the he knows the father of the complainant whose name is Bhagwat Prasad. He was a government amen. He further stated that he has bought the land after his job.He further stated that acused wrote the kebala in their name by forgery. He further stated that he knows the accused yogi Yadav and today he is present in the court and he



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C.A. No. 1768/2005

will recognize the other accused. During his Cross-Examination (after charge) he stated that he has his father has given his testimony in this case.

is his relative and they live in same house.

Ganesh Pd. Sharma in his Examination in Chief (Before Charge) stated that his father was a government amen. He further stated that he has partition document of 12-07-1956. He further stated that bought total 1 bigha and 6 dhur of land. . He further stated that his father was in possession of this land and after him he was in possession of this land. He further stated that the accused took the land by forgery.. During his Cross-Examination(Before charge and after charge) he stated that his father was a government amen. He further stated that accused Sushila Devi is declared absconder in this case. He further stated that there is 4 cases pending between the accused and him.

Laxhman Yadav in his Examination in chief stated that the incident took place 8 years ago. He further stated that he heard noise in the house of Ganesh Sharma and saw that Gaya Devi, Manoj Sharma, Yogi Yadav, and other accused were beating him. . He further stated that today Manoj Sharma is present in the court. During his cross examination (Before and after Charge) he stated that there is a case between him and yogi Yadav for road. During his Cross-Examination he stated that his age is 64 years and on the date of incident at around 4 PM he heard noise in the house of Ganesh Sharma, He further stated that he saw the fight but did not go to stop the fight. He further stated that Ganesh Sharma got injured in the fight but he did not know whether Ganesh Sharma went to hospital or not.

Devnandan Pandit in his Examination in chief stated that the document no. 288, Book No. 01 and volume no 05 and this document is marked as **Exhibit-02**. During his Cross-Examination he stated that the document was given by munsii of Munger Amod Kumar.

Bttu Kumar Pashwan in his Examination in chief stated that this is the certified copy of kevala which Devnandan Prasad Singh wrote in the name of Bhagwatt Prasad Sharma in 1964. And its document no. is 288. During his cross-Examination he stated that he did not know the date of kevala. He further stated that he could not tell the area mentioned in the kevala.

IN THE COURT OF KIRAN KUMARI JUDICIAL
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C.A. No. 1768/2005

05. On 23.06.2016, the statements of the accused persons were recorded under Section 313 Cr.P.C. The accused denied the allegations and stated that they have been falsely implicated in the present case and are innocent.

06. **Points for Determination**

The following points arise for determination in the present case:

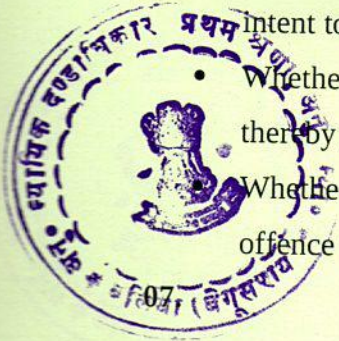
- Whether the accused persons, on the alleged date and time, formed an unlawful assembly and committed rioting punishable under Section 147 IPC?
- Whether the accused persons voluntarily caused hurt to the complainant, thereby committing an offence under Section 323 IPC?
- Whether the accused persons wrongfully confined the complainant, thereby committing an offence under Section 342 IPC?
- Whether the accused persons intentionally insulted and provoked the complainant with intent to cause breach of peace, thereby committing an offence under Section 504 IPC?
- Whether the accused persons prepared forged documents in respect of the disputed land, thereby committing an offence under Section 469 IPC?
- Whether the accused persons used forged documents as genuine, thereby committing an offence under Section 471 IPC?

FINDINGS

After careful appreciation of the entire oral and documentary evidence on record, this Court records the following detailed findings on each point.

Unlawful Assembly (Section 147 IPC)

To establish an offence under Section 147 IPC, the prosecution must prove that assembly of **five or more persons**, and Existence of a **common object** as defined under Section 141 IPC.



IN THE COURT OF KIRAN KUMARI JUDICIAL
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C.A. No. 1768/2005

In the present case the prosecution witnesses have made **general and omnibus allegations** regarding the presence of accused persons. No specific role has been attributed to each accused. There are **material inconsistencies** in the testimonies regarding participation and conduct of the accused. Independent witnesses have not been examined to corroborate the version of the complainant. Further, mere presence of persons at the place of occurrence does not establish unlawful assembly unless the **common object is clearly proved**. Hence, the prosecution has failed to establish the essential ingredients of unlawful assembly.

Voluntarily Causing Hurt (Section 323 IPC)

To prove an offence under Section 323 IPC, the prosecution must establish that Infliction of bodily pain, disease, or infirmity, and that such act was done voluntarily.

In the present case , Although allegations of assault have been made, **no medical evidence** (injury report, doctor's testimony) has been produced. PW Laxhman Yadav admitted that He did not intervene in the alleged assault, He does not know whether the injured was treated. The complainant has not produced any **documentary proof of injury**. In criminal law, **medical evidence plays a crucial corroborative role**, especially in cases of hurt. Its absence creates serious doubt about the occurrence of the alleged assault. Thus, the prosecution has failed to prove the charge under Section 323 IPC.

Wrongful Confinement (Section 342 IPC)

For an offence under Section 342 IPC, it must be proved that the accused **wrongfully restrained** the complainant, and Prevented him from proceeding beyond certain circumscribed limits.

In the present case No witness has clearly stated that the manner of confinement, Duration of confinement, Specific acts restricting movement. Allegations are **vague and lacking particulars**. There is no convincing evidence to show that the complainant was actually confined. Therefore, this charge also fails.

Intentional Insult (Section 504 IPC)

To constitute an offence under Section 504 IPC, it must be shown that there was **intentional insult**, and Such insult was of a nature likely to provoke breach of peace.

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C.A. No. 1768/2005**

In the present case the prosecution has failed to specify the exact words used, The context and intention behind such words. The allegations are **general and unsubstantiated**. Mere allegation of abuse without details does not satisfy the legal requirements of Section 504 IPC. Hence, this charge is not proved.

Forgery (Section 469 IPC)

To prove forgery, the prosecution must establish making of a **false document**, and Intention to cause damage or support a claim.

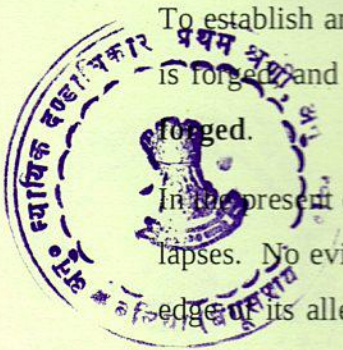
In the present case the alleged forged document (kebala) has not been proved in accordance with law. No **handwriting expert** or **forensic evidence** has been produced. PW Bittu Kumar Paswan admitted lack of knowledge regarding, Date of document, Contents and details. PW Devnandan Pandit also could not establish authenticity. Further, no official from the registration office has been examined. Thus, the prosecution has failed to prove, Execution of forged document, and Its falsity.

Using Forged Document (Section 471 IPC)

To establish an offence under Section 471 IPC, it must be proved that the document in question is forged and The accused used it as genuine **knowing or having reason to believe it to be forged**.

In the present case as the **forgery itself has not been proved**, the foundation of this charge collapses. No evidence has been led to show the use of such document by the accused and Knowledge of its alleged falsity. Therefore, the offence under Section 471 IPC is also not made out.

From the above analysis, it is evident that the prosecution case suffers from, Lack of reliable evidence, Absence of corroboration, Interested and inimical witnesses and Failure to prove documents legally. The evidence on record does not meet the standard of **proof beyond reasonable doubt**. Accordingly, all the points for determination are decided **against the prosecution**



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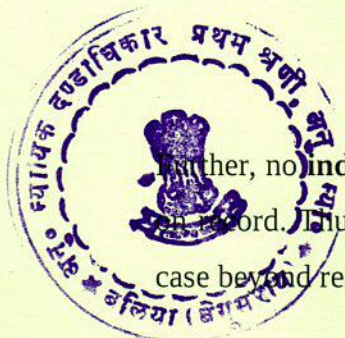
10. Appreciation of Testimonies

The prosecution has examined several witnesses in support of its case. However, their testimonies suffer from material inconsistencies and lack of corroboration.

- **PW Laxhman Yadav** claimed to have witnessed the assault but admitted during cross-examination that he did not intervene and had no knowledge regarding medical treatment of the injured. His testimony appears unreliable.
- **PW Ganesh Pd. Sharma**, being closely related to the complainant, is an interested witness. He also admitted that multiple litigations are pending between the parties, which casts doubt on his impartiality.
- **PW Lalan Yadav** failed to provide consistent statements and appears to be a hearsay witness.
- **PW Devnandan Pandit** and **PW Bittu Kumar Paswan** attempted to prove documentary evidence, but:
 - They lacked knowledge about essential details,
 - The document was not proved in accordance with law,
 - No expert or official corroboration was provided.

Further, no **independent witness, medical evidence, or forensic examination** has been brought on record. Thus, the testimonies do not inspire confidence and fail to establish the prosecution case beyond reasonable doubt.

11. The learned defence counsel argued that the accused persons have been falsely implicated due to **long-standing land dispute**. The witnesses are **interested and inimical**, hence not reliable. He further argue that no **medical evidence** has been produced to prove assault. The alleged forged document has not been proved as per law. There are **material contradictions** in the prosecution case. Thus, the defence prayed for acquittal.



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C.A. No. 1768/2005

12. The learned prosecution submitted that the land belonged to the complainant's father and was illegally taken by the accused. The accused persons prepared forged documents and used them for illegal gain. Oral evidence supports the allegation of assault and abuse. Thus, conviction of the accused persons was prayed for.

13. Upon careful analysis of the entire evidence on record, this Court finds that the prosecution has failed to establish its case beyond reasonable doubt. The evidence suffers from **inconsistencies, lack of corroboration, and absence of material proof**. Essential ingredients of the alleged offences have not been proved. Accordingly, the accused persons are entitled to the **benefit of doubt**.



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C.A. No. 1768/2005

13. It is therefore,

ORDER

The accused persons namely, Manoj Sharma and Yogi Yadav are hereby **acquitted** of all the charges under Sections 147, 323, 342, 504, 469, and 471 of IPC. They are set at liberty forthwith, if not required in any other case. Their bail bonds are discharged. Sureties, if any, stand released.



(Dictated)

Kiran K

(Kiran Kumari)
Judicial Magistrate Ist Class,
Ballia, Begusarai
Date:10-03-2026

This judgement is typed, corrected, signed by me and pronounced in the open court.



(Dictated)

Kiran K

(Kiran Kumari)
Judicial Magistrate Ist Class,
Ballia, Begusarai
Date:10-03-2026