

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

**Present: KIRAN KUMARI
Date of Judgment: 17-03-2026
C.A. No. 13998/2014**

**IN THE COURT OF JUDICIAL MAGISTRATE FIRST CLASS, BEGUSARAI
DISTRICT – BEGUSARAI (BIHAR)
SUB-DIVISION: BALLIA
(C. A. CASE NO. 13998 of 2014)
PRESENT:- MISS. KIRAN KUMARI**

FORM -A

IN THE COURT OF KIRAN KUMARI JUDICIAL
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Complainant

Shankar Pandit
S/o – Lt. Neeras Pandey
R/o-Manshuchak Choti Ballia
P.S- Ballia
District- Begusarai

REPRESENTED BY

Shri. Subin Kumar Pashwan. Ld Advocate for
the Complainant.

ACCUSED

1. Ram Nandan Pandit
2. Nageshwar Kumar
3. Vikash Kumar
4. Sudha Devi
5. Sanjay Pandit
R/o- Olipur Shekhpura
P.S- Khagaria
District – Khagaria

REPRESENTED BY

Shri.Rupesh Kumar Ld. Defence Counsel.

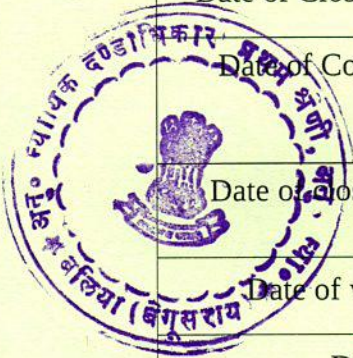


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FORM -B

Date of offence.	05.05.2014
Date of Admission.	27.05.2014
Date of cognizance.	20.05.2015
Date of charge frame and Explain.	20.12.2018
Date of commencement of Before Charge Evidence.	10.04.2017
Date of Closing of Before Charge Evidence.	29.11.2013
Date of Commencement of After Charge Evidence.	25.01.2010
Date of Closing of After Charge Evidence.	18.05.2023
Date of which judgment is reserved.	07-03-2026
Date of the Judgement.	17-03-2026
Date of Sentencing Order, If any.	--



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MAGISTRATE FIRST CLASS, BEGUSARAI
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FORM-C

LIST OF PROSECUTION/DEFENCE/COURT WITNESS

A. Prosecution

RANK	NAME	NATURE OF EVIDENCE
E.W-1	Mithilesh Kumar.	Enquiry Witness
E.W-2	Raja Yadav.	Enquiry Witness
E.W-3	Chandra Prakash Yadav.	Enquiry Witness
E.W-4	Krishna Devi.	Enquiry Witness
C.W-1	Mithilesh Kumar.	Before Charge
C.W-2	Krishna Devi.	Before Charge
C.W-3	Mithilesh Kumar.	After Charge
C.W-4	Krishna Devi.	After Charge
C.W-5	Shanker Pandit.	After Charge

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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MAGISTRATE FIRST CLASS, BEGUSARAI

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C.A. No. 13998/2014

LIST OF PROSECUTION/ DEFENCE/COURT EXHIBITS

A. Prosecution:

Sr. No.	Exhibit Number	Description
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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 U/s- 323, 379, 504 of IPC and 3, 4 of Dian Act.

Factual Background

02. The complainant case according to the written application of the complainant in brief is that on the date of incident, all the accused person armed with lathi and rod came to the house of complainant and started assaulting and abusing him. He further stated that the accused put gancha across the neck of the complainant and started beating him with lathi and danda. It further transpires that when the wife of the complainant intervene then accused Sudha Devi and her husband Ram Nandan Pandit hold her with hair and and told his that she is witch. It further transpires that Sangeeta Devi and Sanjay Pandit smeared soot on the face of complainants wife and torn off his blouse and and told her that they will make her out of the village . It further transpires that Vikas Kumar, Nageshwar Kumar, Sanjay Pandit broke the earthen pot and shade of the complainant due to which he suffer loss of Rs-5,000/- and Nageshwar took took the tin box of the complainant which consited golden chain weighing 1 bhar, golden teeka of 4 bhar and golden earring weighing 4 anna bhar , silver payal weighing 20 bhar and cash around Rs-13,000/-. It further transpires that the accused and her wife got injured in this fight. It further transpires that the witness intervened and saved the complainant and his wife . It further transpires that the complainant and his wife got medical assistance in Ballia Govt. Hospital. It further transpires that the police denied to file the case against the accused under the influence of accused.

Trial procedure

03. On 05.07.2014 S.A of complainant Shankar Pandit was recorded u/s 200 of Cr.P.C. After that four enquiry witnesses u/s 202 of Cr.P.C were produced by the complainant namely -

E.W. 1- Mithilesh Kumar

E.W. 2 - Raja Yadav

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C.A. No. 13998/2014

E.W. 3- Chandra Prakash Yadav

E.W.4- Krishna Devi

E.W-1 Mithillesh Kumar during his enquiry in oath stated that the incident occurred on 05.05.2014 and around 4.30 PM. He further stated that he was eating mixture at his home then Ram Nandan Pandit, Nageshwar Kumar, Sanjay Pandit Sangeeta Devi, Sudha Devi, Vikash Kumar entered the house and Nageshwar Kumar and Ram Nandan put gamcha around the neck of his father and assaulted him his leg and fist. He further stated that when his mother intervened then Sudha Devi and Ram Nandan Pandit hold her hair and told her that she is witch and smeared soot on the face of her mother and torn off his blouse and and and wandere her around the village. It further transpires that Vikas Kumar, Nageshwar Kumar, Sanjay Pandit broke the earthen pot and shade of the complainant due to which he suffer loss of Rs-5,000/- and Nageshwar took took the tin box of the complainant which consited golden chain weighing 1 bhar, golden teeka of 4 bhar and golden earring weighing 4 anna bhar , silver payal weighing 20 bhar and cash around Rs-13,000/- and documents related to land. He further stated that after the commotion Rajo Yadav, Chandra Prakash Yadav, Mithun Kumar came and Sanjay Pandit fired from his gun. He further stated that he went to police station where the officials said that their theft items will be recovered through panchayat. He further stated that the accused did not appear the panchayati. He further stated that he went to the police station but his case was not lodged To Court: I study is I.Sc and the accused are his neighbour and his gottia. He further stated that the reason of the dispute is that they consider my mother as a *witch*.

E.W-2 Raja Yadav during his enquiry in oath stated that the incident occurred 7 months before at around 4.30 PM. He further stated that he heard commotion and he saw that Ram Nandan Pandit and Nageshwar Pandit put a gamcha around the neck of Shankar Pandit. He further stated that when Krishna Devi came to protect his husband then then Ram Nandan Pandit turn off her blouse. He further stated that the Sangeeta Devi and Sanjay Pandit smeared soot on the face of Krishna Devi stating that she is witch. He further stated that Vikash Pandit, Sanjay Pandit and Ram Nandan Pandit beat Shankar Pandit

**IN THE COURT OF KIRAN KUMARI JUDICIAL
MAGISTRATE FIRST CLASS, BEGUSARAI
Present: KIRAN KUMARI
Date of Judgment: 17-03-2026
C.A. No. 13998/2014**

To Court- I am a labour and there is a land dispute between Ram Nandan Pandit and Shankar Pandit. He further stated that the accused and the complainant lives in his village.

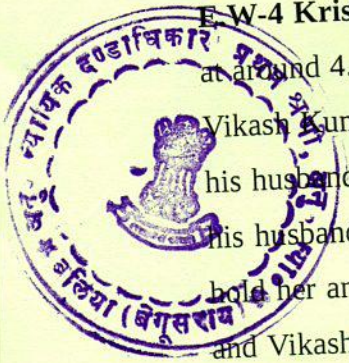
E.W-3 Chandra Prakash during his enquiry in oath stated that the incident occurred on 05-05-2014 at around 4.30 PM. He further stated that he was at his home that time and after hearing the commotion he saw that Ram Nandan Pandit and Nageshwar Pandit put gamcha around the neck of Shankar Pandit and was beating Shankar Pandit. He further stated that Sanjay Pandit, Vikas Pandit, Sangeeta Devi and Sudha Devi were also fighting. He further stated that Sanjay Pandit entered the house of Shankar Pandit and took a box which consisted of some documents. He further stated that the accused were calling Shankar Pandits' wife witch and they smeared soot on the face of his wife. He further stated that he sent Shankar Pandit and his wife to hospital for treatment.

To Court- I am a farmer. Shankar Pandit is his neighbour but he has no relation with him.

E.W-4 Krishna Devi during his enquiry in oath stated that the incident occurred on 05.05.2014 at around 4.30 PM. She further stated that Ram Nandan Pandit, Sudha Devi, Nageshwar Kumar, Vikash Kumar, Sanjay Pandit, Sangeeta Devi, Nageswar Kumar put gamcha around the neck of his husband and pushed him out of the house. She further stated that when she went to prevent his husband then Ram Nandan Pandit tore off his blouze. She further stated that Sanjay Pandit hold her and Sangeeta Devi smeared soot on her face. She further stated that Nageshwar Pandit and Vikash Pandit entered the house and broke the earthen pot worth Rs-5,000/- and took a box which consisted of Kevala receipt and Rs-13,000/-. She further stated that Sanjau Pandit fired from his pistol due to which people got afraid.

To court- She does not know whether Ram Nandan Pandit has filed a case against her husndand or her. She further stated that his husband makes earthen pot. She further stated that the accused are her gotia.

04. On 20.05.2015 cognizance was taken U/s- 323, 379, 504 of IPC and 3, 4 of Dian Act against the accused person.



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

Present: KIRAN KUMARI

Date of Judgment: 17-03-2026

C.A. No. 13998/2014

05. On 20-12-2018 Charge was framed and explained to all accused persons for offenses under section: 323, 379 and 504 of the I.P.C and 3, 4 of Dian Act were explained to the accused person in Hindi language to which they pleaded no guilty and claimed to be tried.

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

(i) Oral Evidence

Krishna Devi in her **Examination-in-Chief** (Before Charge) stated that the incident occurred on 05.05.2014 at around 4-5 PM evening. She further stated that she was at his home and Ram Nandan Pandit, Nageshwar Kumar, Sudha Devi and Vikash Kumar and Sanjay Pandit and Sangeeta Devi came to my house and told me dian. She further stated that Ram Nandan Pandit hold my hair and torn my blouze and Sudha and Sangeeta smeared soot on my face. She further stated that they took two bhar of gold and two pair of payal and Rs-13,000/- She further stated that today Nageshwar is present in the court and he will recognize the rest of the accused.

During his **Cross-Examination** before Charge she stated that the accused is his relative and they live in same house.

Mithilesh Kumar in his **Examination-in-Chief** (Before Charge) stated that the incident took place on 05.05.2014 at around 4.30 PM. He further stated that time he was sitting with his all the family members. He further stated that Ram Nandan Pandit, Nageshwar Pandit, Sudha Devi, Sangeeta Devi came to his courtyard armed with lathi and danda. He further stated that Ram Nandan Devi and Sudha Devi hold the hair of his mother and all the accused started beating his mother. He further stated that the accuse broke the earthen pot place in the courtyard. During is **Cross-Examination** he stated that all the accused are his relative.

In After Charge Cross-Examination- Mithillesh Kumar, In his **Cross-Examination** stated that the case in which he has come for his testimony is Shankar Pandit and again he said that he know about this complainant case. He further stated that his relation with his father is good. He further stated that Ramnandan Pandit has filed a false case against him and his father. He further stated that Ram Nandan Pandit Son Nageshwar Kumar has filed Ballia Case no. 167-14 which is

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

Present: KIRAN KUMARI

Date of Judgment: 17-03-2026

C.A. No. 13998/2014

running in session Court. He further stated that he has filed this case 20 days after the injury on knee because the police told him that they will settle the case by panchayati. He further stated that he has no proof for panchayati.

He further stated that the accused consider his mother as Dian and he has proof of it. He further stated that the box is 3 feet long, 1.5 inch broad and 6 inches high. He further stated that the can filed the documents of the theft items.

In After Charge Cross-Examination- Krishna Devi stated that Shankar Pandit is my husband and Shankar Pandit and Ram Nandan Pandit are siblings and they live in same courtyard. She further stated that Nageshwar Kumar has filed a case against him whose case no. is 167/2014. She further stated that the day the case was filed against her the same day she filed the case in court. He further stated that the incident took place in courtyard and she and the accused share the same courtyard. She further stated the boundary of the place of incident. North- Rambalak Pandit, South- Ram Nandan Pandit, East- Viso Pandit and West- Md. Taslim. She further stated that Ram Nandan Pandit has filed the case in which his Husband and his son is accused. She further stated that she filed the case 13 days after Ram Nandan Pandit.

Shankar Pandit In his **Examination-in-Chief** stated that the incident is of 05-05-2014 at around 4:30 PM and he was at his home. He further stated that Ram Nandan Pandit, Nageshwar, Sudha Devi, Saneeta Devi and Vikash Kumar came and put a gamcha around his neck and told that my wife is dian (Witch) and started assaulting my wife. He further stated that they torn the blouze of his wife and Sanjay Pandit did fire from his pistol. He further stated that Nageshwar entered his house and took (gold- 2 bhar, 2 pair of silver payal) documents related to land and Rs-13,000 in cash. He further stated that today Ram Nandan Pandit is present in the court and he knows rest of the accused. During his Cross-Examination he stated that on 05-05-2014 a false case was filed against him and he did not remember the number of the case. He further stated that he was found guilty under section 323 of IPC and was fined Rs-4,000/-. He further stated that he has filed the case 20 days after the case was filed against him. He further stated that Ram Balak is his elder brother and is accused in this case. He further stated that he



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

**Present: KIRAN KUMARI
Date of Judgment: 17-03-2026
C.A. No. 13998/2014**

cannot tell how many times he was assaulted with lathi and danda. He further stated that he cannot tell the dimension of the box nor he can produce the papers of the gold.

07. Point for determination

The following points arise for determination:

- Whether the accused persons voluntarily caused hurt to the complainant and his wife?
- Whether the accused persons committed theft of articles as alleged?
- Whether the accused intentionally insulted and outraged the modesty of the complainant's wife by calling her "Dain" and humiliating her?
- Whether the prosecution has been able to prove the charges beyond all reasonable doubt?

08. FINDINGS

Upon careful consideration of the pleadings, evidence, and materials available on record, this Court records the following findings on each of the points for determination:

8.1 . Whether the accused persons voluntarily caused hurt to the complainant and his wife.

The prosecution has failed to establish the alleged assault beyond reasonable doubt. No medical evidence has been produced to corroborate the injuries, and the testimonies suffer from inconsistencies.

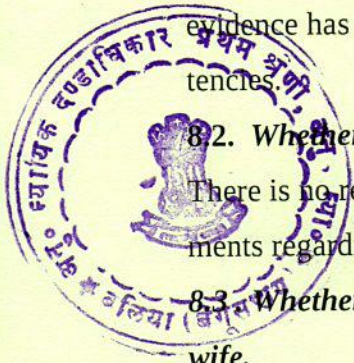
8.2. Whether the accused persons committed theft of ornaments, cash, and other articles.

There is no recovery of alleged stolen articles, no documentary proof of ownership, and the statements regarding stolen items are inconsistent and unreliable.

8.3 Whether the accused persons intentionally insulted and abused the complainant and his wife.

The allegation of abuse is supported only by interested witnesses and lacks independent corroboration.

8.4. Whether the accused persons branded the complainant's wife as "Dain" and committed offences under the Dain Act.



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

**Present: KIRAN KUMARI
Date of Judgment: 17-03-2026
C.A. No. 13998/2014**

The prosecution has failed to establish this allegation beyond reasonable doubt due to lack of reliable and independent evidence.

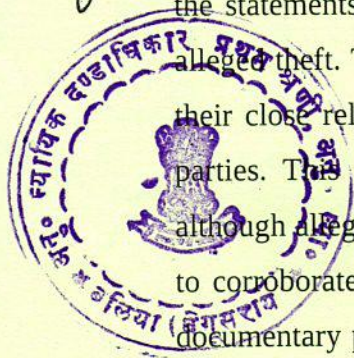
8.5. Whether the prosecution has proved its case beyond reasonable doubt.

In view of material contradictions, absence of medical and documentary evidence, delay in filing complaint, and admitted prior enmity between the parties, the prosecution case appears doubtful and does not inspire confidence. The prosecution has failed to prove the charges against the accused persons beyond all reasonable doubt. Accordingly, all points are decided **against the prosecution and in favour of the accused persons.**

09. Appreciation of testimonies.

The case of the prosecution rests mainly upon the testimonies of the complainant (Shankar Pandit), his wife (Krishna Devi), and his son (Mithilesh Kumar), who are all interested and related witnesses. Though their evidence cannot be discarded merely on the ground of relationship, it requires careful scrutiny and corroboration from independent sources. In the present case, the independent witnesses examined during enquiry do not fully support the prosecution story in material particulars. There are material contradictions and improvements in the statements of witnesses regarding the manner of occurrence, role of accused persons, and alleged theft. The complainant and his witnesses have also admitted that the accused persons are their close relatives (gotia) and that there exists a prior dispute and counter case between the parties. This circumstance casts serious doubt on the impartiality of the witnesses. Further, although allegations of assault have been made, no medical evidence has been brought on record to corroborate the injuries. Similarly, the allegation of theft is not supported by any recovery, documentary proof, or independent witness. The delay in filing the complaint and the admission that it was filed after institution of a case by the accused side further weakens the prosecution case and suggests possibility of counterblast.

10. Learned defence counsel has argued that the present case is false and motivated, arising out of prior enmity and land dispute between the parties. It is contended that the complaint has been



**IN THE COURT OF KIRAN KUMARI JUDICIAL
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Date of Judgment: 17-03-2026
C.A. No. 13998/2014**

filed as a counterblast to the earlier case lodged by the accused side, there is unexplained delay in filing the complaint, all witnesses are interested and related, there is no independent corroboration, no medical evidence or recovery of alleged stolen articles has been produced. It is thus submitted that the prosecution has failed to prove the case beyond reasonable doubt and the accused are entitled to acquittal.

11. Despite sufficient opportunity, the complainant did not appear at the stage of final argument to advance oral submissions in support of his case. However, this Court has carefully perused the entire materials available on record, including the complaint petition, statements recorded under Sections 200 and 202 Cr.P.C., and the evidence adduced during trial. The case of the complainant, as emerging from the record, is that the accused persons committed assault, theft, and humiliation by branding the complainant's wife as "Dain".

Since no argument was advanced on behalf of the complainant, the Court proceeds to decide the matter on the basis of evidence on record and the submissions made on behalf of the defence.

12. After careful consideration of the entire evidence on record, this Court finds that the prosecution case suffers from material inconsistencies, lack of independent corroboration, absence of medical evidence, and strong probability of false implication due to prior enmity and counter case. The prosecution has failed to establish the charges against the accused persons beyond reasonable doubt. Accordingly, all the points for determination are decided against the prosecution and in favour of the accused persons.



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

Present: KIRAN KUMARI
Date of Judgment: 17-03-2026
C.A. No. 13998/2014

13. Order

It is, therefore, **ordered** that all the accused persons namelu, Ram Nandan Pandit, Nageshwar Kumar, Sudha Devi, Vikash Kumar and Sanjay Pandit are **acquitted** of the charges under Sections 323, 379, 504 of the IPC and Sections 3 & 4 of the Dain Act, giving them the benefit of doubt.

The accused persons are discharged from the liabilities of their bail bonds.

Let a copy of this judgment be supplied to the accused persons free of cost.

Pronounced in open Court.



(Dictated)

Kiran K

(Kiran Kumari)
J.M. 1st Class
Ballia, Begusarai
Date 17-03-2026

This judgment is dictated, corrected and signed by me and pronounced in the open court

(Dictated)

Kiran K



(Kiran Kumari)
J.M. 1st Class
Ballia, Begusarai
Date 17-03-2026