

**In The Court of Additional Chief Judicial Magistrate 1<sup>st</sup> , Biraul.**

**Present: Naresh Mahto**

**Date of the Judgment- Dated: 16th March 2026**

**G.R.- 220/2023**

**Reg. No.-509/2024**

**FIR No- 125/2023 and Police Station-Biraul**

**Informant- Ram Pravesh**

**Informant**

**Sahni**

**REPRESENTED BY  
Accused Persons**

**Sri G.K. Singh, S.D.P.O.**

**A1- Laltun Sahni  
A2- Saroj Sahni  
A3- Dukhi Sahni**

**REPRESENTED BY**

**Sudhir Kumar Mishra (Ld. Advocate)**

|                                      |            |
|--------------------------------------|------------|
| Date of Offence                      | 21-03-2023 |
| Date of F.I.R./Complaint institution | 27-03-2023 |
| Date of Charge Sheet                 | 05-08-2024 |
| Date of Cognizance/Prima facie       | 20-02-2026 |
| Date of Framing of Charges           | 06-03-2026 |
| Date of commencement of evidence     | 06-03-2026 |
| Date on which Judgment is reserved   | -----      |
| Date of the Judgment                 | 16-03-2026 |
| Date of the Sentencing Order, if any | -----      |

Accused Details:

| Rank of the Accused | Name of Accused | Date of Custody | 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. |
|---------------------|-----------------|-----------------|-------------------------|--------------------------------|--------------------------------|------------------|--------------------------------------------------------------------------------|
| A1                  | Laltun Sahni    |                 | 02.03.2026              | 341, 323, 354-A,504, of I.P.C. | Acquitted                      |                  |                                                                                |
| A2                  | Saroj Sahni     |                 | 02.03.2026              | 341, 323, 354-A,504, of I.P.C. | Acquitted                      |                  |                                                                                |
| A3                  | Dukhi Sahni     |                 | 02.03.2026              | 341, 323, 354-A,504, of I.P.C. | Acquitted                      |                  |                                                                                |

**APPENDIX**

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

● **Prosecution**

| RANK | NAME                      | NATURE OF EVIDENCE<br>(EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS) |
|------|---------------------------|--------------------------------------------------------------------------------------------------------------------|
| A1   | 1. Pw-1 Ram Pravesh Sahni | INFORMANT                                                                                                          |
| A2   | 2. Pw-2 Chamila Devi      | OTHER WITNESS                                                                                                      |

● **Defence Witnesses, if any:**

| RANK | NAME | NATURE OF EVIDENCE<br>(EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS) |
|------|------|--------------------------------------------------------------------------------------------------------------------|
|------|------|--------------------------------------------------------------------------------------------------------------------|



|     |  |  |
|-----|--|--|
| DW1 |  |  |
|-----|--|--|

● Court Witnesses, if any:

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

LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS

● Prosecution:

| Sr. No | Exhibit Number | Description                                 |
|--------|----------------|---------------------------------------------|
| 1      | Ext-P-1/PW-1   | Signature of Inforamant at typed Fard Bayan |

● Defence:

| Sr. No | Exhibit Number | Description |
|--------|----------------|-------------|
| 1      |                |             |

● Court Exhibits

| Sr. No | Exhibit Number | Description |
|--------|----------------|-------------|
| 1      |                |             |

● Material Objects:

| Sr. No | Material Object<br>Number | Description |
|--------|---------------------------|-------------|
| 1      |                           |             |



**In The Court of Additional Chief Judicial Magistrate 1<sup>st</sup> , BIRAUL.**

**G.R.- 220/2023**

**Reg. No.- 509/2024**

**Dated: 16th March 2026**

**In the Matter Of:**

Ram Pravesh Sahni, S/o- Sri Hari Krishna Sahni, resident of Village- Ladho, P.S.-Biraul,  
District - Darbhanga.

----- Informant.

Versus

1. Laltun Sahni, S/o- Dukhi Sahni, aged about 36 years,
2. Saroj Sahni, S/o- Dukhi Sahni, aged about 27 Years,
3. Dukhi Sahni, S/o- Lakhan Sahni, aged about 52 Years,

All resident of Village- Ladho, P.S.-Biraul, District - Darbhanga.

----- Accused Persons.

**P.S.- Biraul P.S. Case No. 125/2023**

**Cognizance: U/S- 341, 323, 354-A, 504 of I.P.C. Dated : 20.02.2026**

**Charge-framed: U/S- 341, 323, 354-A, 504 of I.P.C. Dated :06.03.2026**

Learned counsel for the Informant: Sri G.K. Singh S.D.P.O.

Learned counsel for Defence: Sri Sudhir Kumar Mishra

**Present: Naresh Mahto,  
ACJM 1<sup>st</sup> Biraul**

**JUDGEMENT**

1. The above named accused Person has been stand charged for the offenses punishable u/sections 341, 323, 354-A, 504 of IPC Act to which they did not plead guilty and claimed for trial.

2. As per the prosecution story in short is that, the informant alleged on dated 21-03-2023 at 8 o'clock in the morning, we were at our home when, armed with weapons and acting with common intent, (1) Dukhi Sahni, (2) Laltun Sahni, (3) Saroj Sahni, both sons of Dukhi Sahni, along with female members of their family, forcibly began installing poles at his residential home, Then Dukhi Sahni said, "Kill the rascal." In the meantime, Laltun Sahni struck at his head with an iron rod held in his hand. he hide his head, so it did not hit his head. he blocked with both hands, so both his hands were injured. Then he struck with the rod again, and it hit his right shoulder, due to which the bone of his shoulder broke. When he raised an alarm, both his father and sister-in-law came to save him; then Saroj Sahni, with the intent to kill, struck at his father's head with a lathi held in his hand, which did not hit the head but hit the right



shoulder, due to which the shoulder was seriously injured. Then he struck with the lathi, which hit the body, and his father fell to the ground. In the meantime, Dukhi Sahni caught my sister-in-law's saree, pulled her, and humiliated her, and by hitting her with a lathi, broke the bone of her left hand and injured her. Upon the sound of the alarm, many villagers arrived who saved my life and will testify upon being asked. With the cooperation of the villagers, his father, sister-in-law, and he were loaded into a tempo and reached the Community Health Center, Biraul, where all three of us were treated. During the course of treatment, seeing the seriousness of the condition of his father and he, we were sent to D.M.C.H. Darbhanga for treatment. There, the treatment of his father and he was conducted.

3. On the basis of the written report furnished on behalf of informant, the case was registered as Biraul, P.S. case no.- 125/2023 dated 27.03.2023 under sections 323, 341, 325, 354-A, 504/34 of I.P.C. Accordingly, the formal F.I.R. was drawn. It set the law in motion that resulted into the initiation of process of investigation. After completion of the same, the Police submitted the charge-sheet against the above named accused persons for the offence under sections 323, 341, 354-A, 504 of I.P.C. of IPC and this court took the cognizance against the accused persons for the offence under section 341, 323, 354-A, 504 of I.P.C. on 20.02.2026.

4. The charges were framed and explained to the accused person for committing the offence punishable u/ss 341, 323, 354-A, 504 of I.P.C. on dated 06.03.2026 to which they pleaded not guilty and claimed to be tried.

5. During inquiry parties have compromised the case and a compromise and permission petition dated 02.03.2026 duly signed by both parties and countersigned by their respective advocates have been filed before the Court. The informant namely Ram Pravesh Sahni and Chamila Devi have also supported the fact of compromise before the court in their examination. Sections 323, 341, 504 of IPC are purely compoundable as per the table one of sec 320 (1) of Cr.P.C. Since parties have compromised the case, so the compromise petition U/section 320(8) is hereby accepted to the extent of the above offenses. So for the section 354-A/34 of IPC is concerned, it is not compoundable under either table of section 320 of Cr.P.C. So it can not be compounded and will be decided on merit.

6. After prosecution evidence the accused person statement was recording u/s 313 of the Cr.P.C. and they pleaded their innocence and have been falsely implicated in this case.

7. Now the question for judgment before me is that whether the prosecution has been able to prove the charges leveled against the accused persons beyond the shadow of all reasonable doubts or not.

**FINDINGS:**

8. In the course of trial prosecution has produced two witnesses in support of his case. Pw-1 Ram Pravesh Sahni ( Informant) and Pw-2 Chamila Devi witness of this case. The signature of Informant at typed F.I.R. is marked Ext-P-1/PW-1. Any other oral or documentary evidence has not been produced on behalf of the prosecution. Defense has not produced any oral evidence or documentary evidence .

9. Now I shall discuss the evidences available on the record in the light of the charges



leveled against the accused persons.

10. Pw-1 Ram Pravesh Sahni is informant of this case. He has stated in his examination-in-chief that this case has been filed by him. Further he has stated that the incident is from about two years ago at eight o'clock in the morning. Saroj Sahni, Dukhi Sahni, Laltun Sahni all these people assaulted him and used abusive language. When his father and sister-in-law (Bhabho) came to save him, they assaulted them as well and attempted to outrage her modesty. Further he has stated that he recognises the accused who is present today in court, Saroj Sahni, Dukhi Sahni, and Laltun Sahni are present. Further he has stated that he had given a typed application at the police station on which he had signed, which he recognize which is marked as Exhibit P1/PW1. Further he has deposed in para-5 of his cross examination that he did not see which accused hit whom. His father got injured due to falling. Further he has deposed in para-6 of his cross examination that he also did not see who hit his sister-in-law (Bhabho) Further he has deposed in para-7 of his cross examination that no person committed any obscene act with his sister-in-law (Bhabho). Further he has deposed in para-8 of his cross examination that he has settled this case with all the accused and has submitted the Compromise petition in court after signing it. Further he has deposed in para-9 of his cross examination that his father is suffering from paralysis who is not in a condition to get out of bed. He is unable to come to court. His father's name is Harikishun Sahni. He is also compromise on behalf of his father. Further he has deposed in para-10 of his cross examination that he now wish to give no any further testimony in this case. he does not want to have his father's testimony conducted. Further he has deposed in para-11 of his cross examination that he will have no objection. if the case is disposed of in the light of compromise.

11. Pw-2 is Chamila Devi. She has stated in her examination-in-chief that this case has been filed by her brother-in-law (Bhaisur). Further he has stated that the incident is from about two years ago at eight o'clock in the morning. Saroj Sahni, Dukhi Sahni, Laltun Sahni all these people assaulted her brother-in-law and used abusive language. When she went to save her, they assaulted her as well and attempted to outrage her modesty. Further she has stated that she recognizes the accused. Today in court, Saroj Sahni, Dukhi Sahni, and Laltun Sahni are present. Further she has deposed in para-4 of her cross examination that she did not see which accused hit whom. Further she has deposed in para-5 of her cross examination that she cannot say who hit whom. Further she has deposed in para-6 of her cross examination that No person committed any obscene act with her. Further she has deposed in para-7 of her cross examination that she has settled this case with all the accused and have placed her thumb impression on the compromise petition. Further she has deposed in para-9 of her cross examination that Ram Pravesh Sahni's father Hari Kishun Sahni, is suffering from paralysis who is not in a condition to get out of bed. He is unable to come to court. Further she has deposed in para-10 of her cross examination that she now wish to give no further any testimony in this case. Further she has deposed in para-11 of her cross examination that she will has no objection, if the case is disposed of In the light of the compromise.

12. The Learned A.P.O. for prosecution contended that the prosecution witness has fully supported the case of prosecution. Hence, it got succeeded to prove its case beyond the shadow of all reasonable doubts. Thus, the accused persons may be convicted for the offences charged.



13. On other hand, The Learned Advocate for defence contended that the accused persons have been falsely implicated in the case. It was further submitted that the most of the prosecution witnesses are interested in nature hence cannot be relied upon and prosecution has failed to prove its case beyond the shadow of all reasonable doubts. Accordingly, the defence deserves the acquittal of the accused persons.

14. Apart from that from perusal of his evidence it appears that his evidence contains several major contradictions and discrepancies. Pw-1 Ram Pravesh Sahni and Pw-2 Chamila Devi have stated in their evidence that no person committed any obscene act or outrage her modesty (Bhabho). There is huge contradiction in between examination in chief of witness and its written application and their statement recorded u/s 161 CrPC. Apart from that this court finds that neither I.O., doctor and others eye witness have turned up before the court for examination to support the prosecution case. Hence, Place of occurrence, date of occurrence and manner of occurrence have not been proved. Further the witnesses have also categorically admitted the factum of compromise between parties and stated that pursuant to compromise. There is no any corroborative evidence on the record. There is compromise between the parties, which has been duly brought upon on record and there is evidence in support of compromise. Therefore, basic requisite in order to fasten criminal liability for aforesaid offence could not be established. Accordingly, in light of discussion made above, it is manifest that this is a case of no evidence with respect to charge for offence u/s 354-A of IPC Ingredient required to establish offence u/s 354-A of IPC is not found and accused persons are entitled to be acquitted.

15. It is the duty of the prosecution to prove the charges leveled against the accused beyond the shadow of all reasonable doubts but exaggeration of facts, non production of eye witnesses and non examination of I.O. Doctor and contradictory statements made by the witness produced, makes the prosecution case doubtful.

16. On the basis of the discussions made above, I found and accordingly hold that prosecution has failed to prove the charges leveled against the accused beyond the shadow of all reasonable doubts.

#### **Order**

17. Accordingly the accused person namely 1. Dukhi Sahni 2. Laltun Sahni and 3. Saroj Sahni facing trial in this case are hereby acquitted from the charges of offenses of sections 354-A of I.P.C. on the basis of merit and from the committing the offenses punishable u/sections 323, 341, 504 of IPC on the basis of compromise only and their bailors are also discharged from the liabilities of their respective bail bonds.

18. This Judgement is delivered in open court on 16.03.2026.

**Dated : 16th March 2026**

**Typed and Corrected**

[Naresh Mahto]  
Additional Chief Judicial Magistrate, 1<sup>st</sup>  
Sub-Divisional Court, Biraul.

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