



In the Court of Manoranjan Kumar Jha
Addl. Sessions Judge-VI, Jamui
S.T. No. 372/2010
State vs. Polush Hembram & Ors.
Date of Judgment- 28.07.2026

FORM-A

IN THE COURT OF ADDITIONAL SESSIONS JUDGE-VI, JAMUI	
Present: Manoranjan Kumar Jha, A.S.J.-VI	
Date of Judgment : 28.07.2026	
SESSIONS TRIAL No. 372/2010	
Chandramandih P.S. Case No.- 77/2007	
U/ss- 302/34, 120B of IPC & 17 CLA Act & 27 of Arms Act	
Complainant/Informant	Devendra Barnwal
Represented by	Sri Benu Mandal, Ld. Addl. P.P.
Accused	1. Polush Hembram 2. Nobel Hembram 3. Usha Hembram 4. Jona Hansda 5. Sanjay Tudu 6. Sunil Da @ Barka @ Sunil Kumar @ Lambu 7. Lal Kishor Thakur & 8. Pradeep Yadav
Represented by	Ld. Advocate, Sri Ashok Kumar Gupta

FORM-B

Date of offence	09.10.2007
Date of FIR	09.10.2007
Date of Charge Sheet	30.08.2008
Date of framing of charges	31.10.2017 & 14.08.2018
Date of commencement of evidence	28.08.2018
Date of Judgment	28.07.2026
Date of the sentencing order, if any	N.A.

ACCUSED DETAILS

Rank of the Accused	Name of Accused	Date of Arrest	Date of Release on Bail	Offences Charged with u/s	Whether Acquitted or convicted	Sentence Imposed	Period of Detention Undergone during Trial for purpose of section 428, Cr.P.C.

01.	Polush Hembram			U/ss- 302/34, 120B of IPC & 17 CLA Act & 27 of Arms Act	Acquitted	N.A.	N.A.
02	Nobel Hembram			U/ss- 302/34, 120B of IPC & 17 CLA Act & 27 of Arms Act	Acquitted	N.A.	N.A.
03	Usha Hembram			U/ss- 302/34, 120B of IPC & 17 CLA Act & 27 of Arms Act	Acquitted	N.A.	N.A.
04	Jona Hansda			U/ss- 302/34, 120B of IPC & 17 CLA Act & 27 of Arms Act	Acquitted	N.A.	N.A.
05	Sanjay Tudu			U/ss- 302/34, 120B of IPC & 17 CLA Act & 27 of Arms Act	Acquitted	N.A.	N.A.
06	Sunil Da @ Barka @ Sunil Kumar @ Lambu			U/ss- 302/34, 120B of IPC & 17 CLA Act & 27 of Arms Act	Acquitted	N.A.	N.A.

07	Lal Kishor Thakur			U/ss- 302/34, 120B of IPC & 17 CLA Act & 27 of Arms Act	Acquitted	N.A.	N.A.
08	Pradeep Yadav			U/ss- 302/34, 120B of IPC & 17 CLA Act & 27 of Arms Act	Acquitted	N.A.	N.A.

FORM-C

LIST OF PROSECUTION / DEFENCE / COURT WITNESSES

A- Prosecution

RANK	NAME	NATURE OF EVIDENCE
PW-1	Santosh Sao	Prosecution witness
PW-2	Dilip Besra @ Dinesh Kumar Besra	Prosecution witness
PW-3	Vijay Prasad Barnwal	Prosecution witness
PW-4	Devendra Barnwal @ Devendra Modi	Prosecution witness

B- Defence Witness - Nil

C- Court Witness -Nil

LIST OF PROSECUTION/ DEFENCE/COURT EXHIBITS

A- Prosecution Exhibit-

Sl. No.	Exhibit No.	Type of Exhibit
1.	P-1/PW-4	Signature on written petition.
2.	P-2/PW-4	Signature on written petition.

B- Defence Exhibit -Nil

J U D G E M E N T

1. The accused persons, namely, **1. Polush Hembram 2. Nobel Hembram 3. Usha Hembram 4. Jona Hansda 5. Sanjay Tudu 6. Sunil Da @ Barka @ Sunil Kumar @ Lambu 7. Lal Kishor Thakur & 8. Pradeep Yadav** are facing trial for the offence punishable under Sections **U/ss- 302/34, 120B of IPC & 17 CLA Act & 27 of Arms Act**. The charges have been read over and explained to the accused persons in Hindi to which they did not plead guilty and claimed to be tried.

2. The prosecution case in short is that on 09.10.2007 at around 01:00 p.m., the accused named in the FIR in association with other 8-10 accused armed with deadly weapons came into the shop of Samir Barnwal and asked him to show clothes. It is further alleged that the accused told him that he called police earlier and made arrest of one member of naxal and thereafter one of the accused made firing at him and thereupon Samir fell down and succumbed to gun shot injury.
3. On the basis of written report, a case being Chandramandih P.S. Case No.- 77/2007, dated 09.10.2007 was registered under Sections U/ss- **302/34, 120B of IPC & 17 CLA Act & 27 of Arms Act** against the accused. After completion of investigation police submitted charge-sheet u/ss- U/ss- **302/34, 120B of IPC & 17 CLA Act & 27 of Arms Act** against the accused persons namely **1. Polush Hembram 2. Nobel Hembram 3. Usha Hembram 4. Jona Hansda 5. Sanjay Tudu 6. Sunil Da @ Barka @ Sunil Kumar @ Lambu 7. Lal Kishor Thakur & 8. Pradeep Yadav** thereupon the Ld. Court below has taken cognizance u/ss- U/ss- **302/34, 120B of IPC & 17 CLA Act & 27 of Arms Act** on dated 07.01.2008.
4. Charges under Sections U/ss- **302/34, 120B of IPC & 17 CLA Act & 27 of Arms Act** were framed on 31.10.2017 and 14.08.2018 against the accused to which they pleaded not guilty and claimed trial by the Court.
5. Defence is denial of allegation and of false implication at the instigation of the informant party.
6. Now, the only question for determination is whether prosecution has been able to establish the charges levelled against the accused persons beyond the shadow of all reasonable doubt?

FINDINGS

7. In the instant Case, in support of its case, the prosecution has produced altogether **four (04) witnesses namely Santosh Sao, Dilip Besra @ Dinesh Kumar Besra, Vijay Prasad Barnwal and Devendra Barnwal @ Devendra Modi.**
Whereas the defence has not produced any oral or documentary evidence.
8. **P.W. 4- Devendra Barnwal @ Devendra Modi** is the informant of this case who deposed that on 09.10.2007, the accused came into the shop of his son Samir when he was at grocery shop. He further deposed that he heard sound of gun firing and then he reached at the shop of his son where he found his son Samir dead. The witness further deposed that the accused also made indiscriminate firing upon him and his other son Praveen Kumar but they anyhow saved themselves. The witness further deposed that upon hulla, the accused flew away and thereafter police reached at the spot. The witness further deposed that

during that indiscriminate firing his nephew also sustained the gun shot injury and he also collapsed due to that injury. The witness further deposed that though the accused were 2-3 in number but he could not identified any of the accused. The witness identified his signature on fardbyan which was marked exhibit as P-1/P.W.-4 & P-1/P.W.-4.

In his cross-examinations, the witness admitted that he had voluntarily deposed before the Court.

9. **P.W. 1- Santosh Sao**, it was stated by him that he was not present at home on the alleged date and time of occurrence and therefore he had no knowledge about the alleged occurrence. The witness further deposed that the police never ever asked anything to him and the witness could not identified any of the accused.

In his cross-examinations, the witness deposed that he had voluntarily deposed before the Court.

10. **P.W. 2- Dilip Besra @ Dinesh Kumar Besra** it was stated by him that though the alleged occurrence took place 17-18 years back but he could not recall date and time of the occurrence. The witness further deposed that he was not present at there on the alleged date and time of occurrence and therefore he had no knowledge about the alleged occurrence. The witness further deposed that the police never ever asked anything to him and the witness could not identified any of the accused.

In his cross-examinations, the witness deposed that he had voluntarily deposed before the Court.

11. **P.W. 3- Vijay Prasad Barnwal** it was stated by him that he was not present at home on the alleged date and time of occurrence and therefore he had no knowledge about the alleged occurrence. The witness further deposed that the police never ever asked anything to him and the witness could not identified any of the accused.

In his cross-examinations, the witness deposed that he had voluntarily deposed before the Court.

Analysis of Evidence

12. **Learned counsel for the accused persons** submits that this is a case of virtually no evidence against the accused person inasmuch as none of the witnesses have supported the case of the prosecution in any manner. Further submitted that there is complete contradictions in the statements of the witnesses produced on behalf of the prosecution and the case narrated in the FIR. Further, none of the witnesses had uttered anything directly against the accused persons. Further submitted that the informant had specifically stated that he had not seen anyone firing on the date and time of alleged occurrence and as such this witness had not

supported the case of the prosecution. Further, the prosecution did not bring on record the evidence of I.O. and doctor so as to establish the place of occurrence, the FIR and the injury/post-mortem report as alleged in the FIR and as such these discrepancies creates severe suspicion upon the case of the prosecution. Therefore, it is submitted that the prosecution has failed to establish its case beyond any shadow of doubt.

13. Ld. P.P. for the state submitted that the witnesses have supported the case and there is ample evidence on record which establishes that the accused had committed the offence.
14. The court has gone through the record. In support of its case, the prosecution has examined as many as four witnesses. It further reflects that there is no evidence of I.O. or doctor on record.
15. PW-4 is the informant of this case who specifically admitted that he could not identified any of the accused who committed alleged firing and occurrence. Further, PW-4 has admittedly deposed that he heard gun shot and when he reached at the shop of his son, he found his son dead and as such he had not seen the alleged occurrence with respect to firing to his deceased son. The deposition of this witness not only dents the case of the prosecution but also creates serious suspicion upon the case. Further, PW-1, PW-2 and PW-3 had though not declared hostile by the prosecution but these witnesses had not supported the case of the prosecution in any manner. Further, these witnesses had even failed to identify any of the accused who alleged to have committed the occurrence.
16. On appreciation of all the materials available on record, it reflects that the evidences so produced on behalf of the prosecution are neither corroborative nor concrete piece of evidence. Further, the informant PW-4 had completely denied the the identification of the accused in his examination-in-chief. Further, the other witnesses produced on behalf of the prosecution have admittedly absent from the alleged place, time and date of occurrence and these witnesses have completely failed to support the case of the prosecution. Further, the prosecution had not examined I.O and doctor and I find force in the submission of defences that the place of occurrence, the FIR and the injury/post-mortem report remained uncorroborated. Further the prosecution, by its evidence, has completely failed to corroborate the allegation made in the F.I.R. and also failed to establish the manner, time and place of alleged occurrence. As such, the evidence so produced on behalf of the prosecution are neither consistent nor reliable and also not trustworthy.

17. It is settled law that “the prosecution must prove its case beyond reasonable doubt and cannot derive strength from weakness of defence.”
18. Considering the evidence in its entirety and bearing in mind the principles that the prosecution is duty bound to establish its case by way of oral and documentary evidence and in the case in hand where the prosecution has failed to brought on record any credible piece of evidence to support its case and as such and in absence of any reliable / corroborative evidence, the court is of the opinion that the prosecution has miserably failed to establish the case beyond shadow of any doubt.
19. Consequently, the prosecution has, therefore, failed to prove the charges against accused persons namely, **1. Polush Hembram 2. Nobel Hembram 3. Usha Hembram 4. Jona Hansda 5. Sanjay Tudu 6. Sunil Da @ Barka @ Sunil Kumar @ Lambu 7. Lal Kishor Thakur & 8. Pradeep Yadav** beyond reasonable doubt.

ORDER

20. In view of the above, this Court is of the opinion that the prosecution has failed to establish the offences U/ss- **302/34, 120B of IPC & 17 CLA Act & 27 of Arms Act** against the accused persons namely, **1. Polush Hembram 2. Nobel Hembram 3. Usha Hembram 4. Jona Hansda 5. Sanjay Tudu 6. Sunil Da @ Barka @ Sunil Kumar @ Lambu 7. Lal Kishor Thakur & 8. Pradeep Yadav.** Accordingly, the accused persons are acquitted from the charges levelled against them and set at liberty forthwith.

A copy of this judgment be sent to District Magistrate, Jamui.

A free copy of the judgment be furnished.

Given under the hand and seal of this Court.

This judgment has been corrected, signed and pronounced by me on 28th of July, 2026 in Open Court.

Dictated

**(Sri Manoranjan Kumar Jha)
Addl. Sessions Judge-VIth
Jamui
Dated- 28th July, 2026**

**(Sri Manoranjan Kumar Jha)
Addl. Sessions Judge-VIth
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