

FORM-A

|                                                                                                                                                                                                                                                                                                                                     |                                      |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|
| <b>IN THE COURT OF ADDITIONAL SESSIONS JUDGE-VI, JAMUI</b><br>Present: <u>Manoranjan Kumar Jha, A.S.J.-VI</u><br>Date of Judgement : 10.06.2026<br><b>SESSIONS TRIAL No. 557/2013</b><br>Laxmipur P.S. Case No.- 35/2009<br>U/ss- 147, 148, 452, 342/149, 307/149, 302/149, 504/149, 506/149, 120-B of IPC<br>& U/s 7 of C.L.A. Act |                                      |
| Complainant/Informant                                                                                                                                                                                                                                                                                                               | <b>Ganesh Yadav @ Geno Yadav</b>     |
| Represented by                                                                                                                                                                                                                                                                                                                      | Sri Chigu Ravidas, Ld. Addl. P.P.    |
| Accused                                                                                                                                                                                                                                                                                                                             | <b>Birbal Da @ Panchu Murmu</b>      |
| Represented by                                                                                                                                                                                                                                                                                                                      | Sri Parvin Kumar Singh, Ld. Advocate |

FORM-B

|                                      |            |
|--------------------------------------|------------|
| Date of offence                      | 12.03.2009 |
| Date of FIR                          | 12.03.2009 |
| Date of Charge Sheet                 | 14.07.2022 |
| Date of framing of charges           | 27.06.2024 |
| Date of commencement of evidence     | 02.07.2024 |
| Date of Judgement                    | 10.06.2026 |
| 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.                 | Birbal Da @ Panchu Murmu |                |                         | U/s- 147, 148, 452, 342/149, 307/149, 302/149, 504/149, 506/149, 120-B of IPC & U/s 7 of C.L.A. Act | Acquitted                      | N.A.             | N.A.                                                                           |

FORM-C

**LIST OF PROSECUTION / DEFENCE / COURT WITNESSES**  
**A- Prosecution**

| RANK | NAME         | NATURE OF EVIDENCE  |
|------|--------------|---------------------|
| PW-1 | Uttam Modi   | Prosecution witness |
| PW-2 | Rajendra Saw | Prosecution witness |
| PW-3 | Chinta Devi  | Prosecution witness |

**B- Defence Witness** -Nil  
**C- Court Witness** -Nil  
**C- Defence Exhibit** -Nil

**J U D G E M E N T**

1. The accused person, namely, **Birbal Da @ Panchu Murmu** is facing trial for the offence punishable under sections **147, 148, 452, 342/149, 307/149, 302/149, 504/149, 506/149, 120-B of IPC & U/s 7 of C.L.A. Act**. The charges have been read over and explained to the accused person in Hindi to which he did not plead guilty and claimed to be tried.
2. The prosecution case, in brevity, is that in the night of 11.03.2009-12.03.2009 at around 12:00 a.m., while the informant sleeping at his house with family member then at that time 5-6 persons wearing commando dress entered into his house and forcefully apprehended him and started beating brutally. It is further alleged that his elder brother was also apprehended by the criminals/naxals and on protest the naxals killed his elder brother Nundev Yadav by separating neck from the body with the assault of axe.
3. On the basis of written report, a case being Laxmipur P.S. Case No.- 35/2009, dated 12.03.2009 was registered under Sections **147, 148, 452, 342/149, 307/149, 302/149, 504/149, 506/149, 120-B of IPC & U/s 7 of C.L.A. Act** against the accused. After completion of investigation police submitted charge-sheet u/ss- **147, 148, 452, 342/149, 307/149, 302/149, 504/149, 506/149, 120-B of IPC & U/s 7 of C.L.A. Act** against the accused person namely **Birbal Da @ Panchu Murmu** thereupon the Ld. Court below has taken cognizance u/ss- **147, 148, 452, 342/149, 307/149, 302/149, 504/149, 506/149, 120-B of IPC & U/s 7 of C.L.A. Act** on dated 17.07.2013.
4. Charges under Sections **147, 148, 452, 342/149, 307/149, 302/149, 504/149, 506/149, 120-B of IPC & U/s 7 of C.L.A. Act** were framed on 27.06.2024 against the accused to which he 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 **three** witnesses namely **Uttam Modi, Rajendra Saw, and Chinta Devi.**

**Whereas the defence neither adduced any oral or documentary evidence.**

8. **P.W. 3- Chinta Devi** is the mother of the informant Geno Yadav who deposed that the alleged occurrence took place 14 years back at around 09:00 p.m. in the night when her son was sleeping at home and then 20-25 unknown people entered into her house and killed her son namely Nundev Yadav. The witness further deposed that out of 20-25 unknown people, she only identified Pintu Rana and she even denied to identify the accused present in the Court.

In her cross-examination, the witness specifically admitted that except Pintu Ram none is known to her who came there on the alleged date and time of occurrence. She further stated that the occurrence was done by Pintu Ram as Pintu Ram had previous enmity with her son. The witness further stated that she is deposing first time in the Court and only Pintu Ram is guilty of murder of her son while the rest are innocent.

9. **P.W. 1-Uttam Modi & P.W. 2- Rajendra Saw** declared hostile upon the prayer of the prosecution as they failed to support the case.

### **Analysis of Evidence**

10. **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 the witnesses have not supported case of the prosecution against the accused facing trial in this case. Further, the prosecution has even failed to examine informant/ I.O./Doctor and as such neither injuries were proved before the court nor the content of FIR was proved. Therefore, it is submitted that the prosecution has failed to established its case beyond any shadow of doubt.
11. 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.
12. On perusal of the record, it reflects that the prosecution examined as many as three (03) witnesses in this case. It further reflects that PW-1 and PW-2 were declared hostile upon the prayer of the prosecution as they did not supported the case. Further, PW-3 is the mother of the informant and she claimed to have seen the alleged occurrence. The witness in her deposition stated the time of occurrence as 09:00 p.m., while the time of occurrence in FIR has been mentioned as 12:00 a.m. in the night of 11.03.2009-12.03.2009, which definitely creates suspicion at the story of the prosecution. Further, this witness had only identified Pintu Ram as assailant who killed her son Nundev Yadav and she did not identified the accused person present in the Court, who is facing

trial. Further, this witness had specifically stated that only Pintu Ram is guilty of murder while the rest are innocent.

13. As such the deposition of PW-3 is totally in contradiction with the story propounded by the prosecution as they implicated the accused of this case as assailant in the alleged offence. Further, the prosecution in spite of ample opportunities failed to produce before the Court the informant of this case as to corroborate the story and also to establish content of the FIR. Further, the prosecution has even failed to examine I.O. of this case so as to bring on record the materials to establish the place of occurrence time of occurrence and the manner as alleged in the FIR. Further, the prosecution also failed to produce even doctor to prove the P.M. Report or injury.
14. It is settled law that "the prosecution must prove its case beyond reasonable doubt and cannot derive strength from weakness of defence."
15. 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 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.
16. Consequently, the prosecution has, therefore, failed to prove the charges against accused person namely, Birbal Da @ Panchu Murmu beyond reasonable doubt.

#### ORDER

17. In view of the above, this Court is of the opinion that the prosecution has failed to establish the offences u/ss 147, 148, 452, 342/149, 307/149, 302/149, 504/149, 506/149, 120-B of IPC & U/s 7 of C.L.A. Act against the accused person namely, Birbal Da @ Panchu Murmu. Accordingly, the accused person is acquitted from the charges labeled against him 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 10<sup>th</sup> of June, 2026 in open court.**

**Dictated**

**(Sri Manoranjan Kumar Jha)**  
**Addl. Sessions Judge-VI<sup>th</sup>**  
**Jamui**  
**Dated- 10<sup>th</sup> June, 2026**

**(Sri Manoranjan Kumar Jha)**  
**Addl. Sessions Judge-VI<sup>th</sup>**  
**Jamui**  
**Dated- 10<sup>th</sup> June, 2026**