

FORM-A

IN THE COURT OF ADDITIONAL SESSIONS JUDGE-VI, JAMUI Present: <u>Manoranjan Kumar Jha, A.S.J.-VI</u> Date of Judgement : 25.05.2026 SESSIONS TRIAL No. 10/2020 CNR No.- BRJA01-000128-2020 Barhat P.S. Case No.- 65/2013 U/ss- 341/34, 323/34, 324/34, 307/34, 504/34 of IPC	
Complainant/Informant	Nandlal Yadav
Represented by	Sri Chigu Ravidas, Ld. Addl. P.P.
Accused	1. Jitendra Yadav, 2. Lato Yadav, 3. Ashok Yadav & 4. Vindeshwari Yadav
Represented by	Sri Mukund Singh, Ld. Advocate

FORM-B

Date of offence	21.12.2013
Date of FIR	21.12.2013
Date of Charge Sheet	16.02.2016
Date of framing of charges	18.01.2020
Date of commencement of evidence	03.02.2020
Date of Judgement	25.05.2026
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.	Jitendra Yadav			U/s- 341/34, 323/34, 324/34, 307/34, 504/34 of IPC	Acquitted	N.A.	N.A.
02.	Lato Yadav			U/s- 341/34, 323/34, 324/34, 307/34, 504/34 of IPC	Acquitted	N.A.	N.A.
03.	Ashok Yadav			U/s- 341/34, 323/34, 324/34, 307/34, 504/34 of IPC	Acquitted	N.A.	N.A.
04.	Vindeshwari Yadav			U/s- 341/34, 323/34, 324/34, 307/34, 504/34 of IPC	Acquitted	N.A.	N.A.

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

RANK	NAME	NATURE OF EVIDENCE
PW-1	Nandlal Yadav	Prosecution witness
PW-2	Baso Yadav	Prosecution witness
PW-3	Sona Devi	Prosecution witness
PW-4	Babita Devi	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-1	Signature on written petition.

B- Defence Exhibit -Nil**JUDGEMENT**

1. The accused persons, namely, **1. Jitendra Yadav, 2. Lato Yadav, 3. Ashok Yadav & 4. Vindeshwari Yadav** are facing trial for the offence punishable under sections **341/34, 323/34, 324/34, 307/34, 504/34 of IPC**. 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 brevity, is that on 21.12.2013 at about 08:00 a.m., when informant-Nandlal Yadav's father was standing near a temple, the accused persons came there having bhujali in their hands. they were hurling abuses to informant's father and gave bhujali blow upon his head. When informant's mother came in rescue, the accused persons gave bhujali blow upon her head also. When informant and his family members came in rescue, they were also assaulted by means of sword, lathi and danda by the accused persons.
3. On the basis of written report, a case being Barhat P.S. Case No.- 65/2013, dated 21.12.2013 was registered under Sections **147, 148, 149, 341, 323, 324, 307, 504 of IPC** against the accused. After completion of investigation police submitted charge-sheet u/ss- **147, 148, 149, 341, 323, 324, 307, 504 of IPC** against the accused persons namely **1. Jitendra Yadav, 2. Lato Yadav, 3. Ashok Yadav & 4. Vindeshwari Yadav** thereupon the Ld. Court below has taken cognizance u/ss- **341/34, 323/34, 324/34, 307/34, 504/34 of IPC** on dated 09.09.2019.
4. Charges under Sections **341/34, 323/34, 324/34, 307/34, 504/34 of IPC** were framed on 18.01.2020 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** witnesses namely **Nandlal Yadav, Baso Yadav, Sona Devi and Babita Devi** and signature of informant on written petition was marked as **P-1/PW-1**.
Whereas the defence neither adduced any oral or documentary evidence.
8. **P.W. 1-Nandlal Yadav** is the informant and during his examination-in-Chief deposed that he has filed the case against the accused. Further deposed that the alleged occurrence took place 13 years back at around 08:00 a.m. in the morning when his father was assaulted by accused and during course of saving the father, the accused even assaulted informant and other.
In his cross-examinations, the witness admitted that they have compromised the case voluntarily. The witness further specifically admitted that he had not seen anyone assaulting during the alleged occurrence.

9. **P.W. 2- Baso Yadav, P.W. 3- Sona Devi and P.W. 4- Babita Devi** have not supported the case of the prosecution and upon prayer, these witnesses were declared hostile.

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 victim/informant have not supported case of the prosecution as the witness/informant had not seen anyone committing assault. Further, the prosecution has even failed to examine I.O./Doctor and as such neither injuries were proved before the court nor the FIR was proved. Therefore, it is submitted that the prosecution has failed to establish 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. The court has gone through the record. In support of its case, the prosecution has examined only 04 witnesses. It further reflects that three witnesses i.e., **P.W. 2- Baso Yadav, P.W. 3- Sona Devi and P.W. 4- Babita Devi** have not supported the case of the prosecution while the informant (PW-1) has specifically admitted in his examinations that he had not seen anyone committing assault or anything as alleged in the FIR and as such none of the witnesses produced on behalf of the prosecution have supported its case. Further, the prosecution had even failed to examine I.O. and Doctor of this case so as to establish the P.O., the FIR and the medical reports.
13. It is settled law that "the prosecution must prove its case beyond reasonable doubt and cannot derive strength from weakness of defence."
14. 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.
15. Consequently, the prosecution has, therefore, failed to prove the charges against accused persons namely, **1. Jitendra Yadav, 2. Lato Yadav, 3. Ashok Yadav & 4. Vindeshwari Yadav** beyond reasonable doubt.

ORDER

16. In view of the above, this Court is of the opinion that the prosecution has failed to establish the offences u/ss **341/34, 323/34, 324/34, 307/34, 504/34 of IPC** against the accused persons namely, **1. Jitendra Yadav, 2. Lato Yadav, 3. Ashok Yadav & 4. Vindeshwari Yadav**. Accordingly, the accused persons are acquitted from the charges labeled 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 25th of May, 2026 in open court.

Dictated

(Sri Manoranjan Kumar Jha)
Addl. Sessions Judge-VIth
Jamui
Dated- 25th May, 2026

(Sri Manoranjan Kumar Jha)
Addl. Sessions Judge-VIth
Jamui
Dated- 25th May, 2026