

**FORM-A**

|                                                                                                                                                                                                                                                                                                |                                                                                     |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|
| <b>IN THE COURT OF ADDITIONAL SESSIONS JUDGE-VI, JAMUI</b><br><u>Present: Manoranjan Kumar Jha, A.S.J.-VI</u><br>Date of Judgement : 27.05.2026<br><b>SESSIONS TRIAL No. 199/2008</b><br>CNR No.- BRJA01-000300-2008<br>Chandramandi P.S. Case No.- 50/2004<br>U/ss- <b>302, 201/34 of IPC</b> |                                                                                     |
| Complainant/Informant                                                                                                                                                                                                                                                                          | <b>Hemant Kumar Sinha</b>                                                           |
| Represented by                                                                                                                                                                                                                                                                                 | Sri Chigu Ravidas, Ld. Addl. P.P.                                                   |
| Accused                                                                                                                                                                                                                                                                                        | <b>1. Prakash Ram, 2. Suresh Ram, 3. Pradip Ram 4. Sonma Devi and 5. Devki Devi</b> |
| Represented by                                                                                                                                                                                                                                                                                 | Sri Dharendra Kumar Singh, Ld. Advocate                                             |

**FORM-B**

|                                      |            |
|--------------------------------------|------------|
| Date of offence                      | 17.09.2004 |
| Date of FIR                          | 20.09.2004 |
| Date of Charge Sheet                 | 19.06.2005 |
| Date of framing of charges           | 13.11.2008 |
| Date of commencement of evidence     | 12.12.2008 |
| Date of Judgement                    | 27.05.2026 |
| 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.                 | Prakash Ram     |                |                         | U/s- <b>302, 201/34 of IPC</b> | <b>Acquitted</b>               | N.A.             | N.A.                                                                           |

|     |            |  |  |                               |           |      |      |
|-----|------------|--|--|-------------------------------|-----------|------|------|
| 02. | Suresh Ram |  |  | U/s- 302,<br>201/34 of<br>IPC | Acquitted | N.A. | N.A. |
| 03. | Pradip Ram |  |  | U/s- 302,<br>201/34 of<br>IPC | Acquitted | N.A. | N.A. |
| 04. | Sonma Devi |  |  | U/s- 302,<br>201/34 of<br>IPC | Acquitted | N.A. | N.A. |
| 05. | Devki Devi |  |  | U/s- 302,<br>201/34 of<br>IPC | Acquitted | N.A. | N.A. |

### FORM-C

#### LIST OF PROSECUTION / DEFENCE / COURT WITNESSES

##### A- Prosecution

| RANK  | NAME                    | NATURE OF EVIDENCE  |
|-------|-------------------------|---------------------|
| PW-1  | Devashish Kumar Sinha   | Prosecution witness |
| PW-2  | Hemant Kumar Sinha      | Prosecution witness |
| PW-3  | Pramod Kumar Singh      | Prosecution witness |
| PW-4  | Yaswant Kumar Sinha     | Prosecution witness |
| PW-5  | Rama Devi @ Rambha Devi | Prosecution witness |
| PW-6  | Kedar Kumar Rawat       | Prosecution witness |
| PW-7  | Shanti Devi             | Prosecution witness |
| PW-8  | Vinita Devi             | Prosecution witness |
| PW-9  | Sushila Devi            | Prosecution witness |
| PW-10 | Kishore Kumar Rai       | Prosecution witness |
| PW-11 | Kapil Rai               | Prosecution witness |
| PW-12 | Ravindranath Ojha       | Prosecution witness |

##### B- Defence Witness

| RANK | NAME                | NATURE OF EVIDENCE |
|------|---------------------|--------------------|
| DW-1 | Narsingh Rai        | Defence witness    |
| DW-2 | Ramkishore Rai      | Defence witness    |
| DW-3 | Tripurari Kumar Rai | Defence witness    |
| DW-4 | Rajnarayan Singh    | Defence witness    |

##### 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. Prakash Ram, 2. Suresh Ram, 3. Pradip Ram 4. Sonma Devi and 5. Devki Devi** are facing trial for the offence punishable under sections **302, 201/34 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 27.07.2016 at about 06:30 p.m., when the informant- Appu Singh was returning after collecting money and when he reached near Gidhaur Pool then all and sudden four persons came there by Motor Cycle and restrained him and thereafter forcefully took money from the dikki of his Motor Cycle and from his pocket amounting Rs.5,80,000/- and thereafter the accused went from there after giving threatening to face dire consequences if informant shouts. It is further alleged that the accused have also taken away his Motor Cycle bearing no. BR46C3051.
3. On the basis of written report, a case being Chandramandi P.S. Case No.- 50/2004, dated 20.09.2004 was registered under Sections **302, 201/34 of IPC** against the accused. After completion of investigation police submitted charge-sheet u/ss- **302, 201/34 of IPC** against the accused persons namely **1. Prakash Ram, 2. Suresh Ram, 3. Pradip Ram 4. Sonma Devi and 5. Devki Devi** thereupon the Ld. Court below has taken cognizance u/ss- **302, 201/34 of I.P.C** on dated 19.05.2008.
4. Charges under Sections **302, 201/34 of I.P.C** were framed on 13.11.2008 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 **twelve** witnesses namely **Devashish Kumar Sinha, Hemant Kumar Sinha, Pramond Kumar Singh, Yaswant Kumar Sinha, Rama Devi @ Rambha Devi, Kedar Kumar Rawat, Shanti Devi, Vinita Devi, Sushila Devi, Kishore Kumar Rai, Kapil Rai and Ravindranath Ojha.**  
**Whereas** the defence has produced four witnesses namely **Narsingh Rai, Ramkishore Rai, Tripurari Kumar Rai and Rajnarayan Singh.**

8. **P.W. 2- Hemant Kumar Sinha** deposed that the occurrence took place on 08.10.2003 when his sister Ratna Sinha @ Pammi was kidnapped. The witness further deposed that on 17.09.2004, he received information from Chawkidar as to the fact his sister had been murdered in Bhalsuma Village and thereafter, he along with family member went to the Bhalsuma Village and enquired about his sister from the accused upon which the accused abused and assaulted them. It is further deposed that when they enquired from the villagers then also they came to know that his sister had been murdered. The witness upon which filed a written application at Chandramandih P.S. and on identification the same was marked as Exhibit 1.

In his cross-examination, the witness deposed that the kidnapping case bearing no. 49/2003 was made final by the police because his sister namely Ratna Sinha @ Pammi had voluntarily went with Pradeep Ram and also solemnized marriage and such fact was revealed to him after a long time. The witness denied the fact that his sister was living with Pradeep Ram. The witness admitted the fact that he came to know after some time as to the fact that his sister was under treatment by Dr. Shradha Singh but he came to know later that his sister was pregnant. The witness further deposed that the information as to the alleged occurrence was made to him orally by Chowkidar Sobha Tori. The witness further stated that the accused had only abused them and none had assaulted them. The witness denied the fact that his sister had solemnized inter-caste marriage and because of that he had filed a false case against the accused.

9. **P.W. 1- Devashish Kumar Sinha** deposed that on 16.09.2004, he received information from Chowkidar Shobha Tori as to the fact that his sister Pammi had been murdered at village Bhalsuma and thereupon they went in that village on 17.09.2004 where they came to know that his sister was murdered by administering poison and even his body had been cremated. Further deposed that when they enquired from the accused then the accused abused them.

In his cross-examinations, the witness stated that he had no information as to the fact that her sister had marriage with Pradeep Ram with her consent and both were living as wife and husband. The witness further deposed that he cannot say name of anyone residing at Bhalsuma Village who informed them about the occurrence. The witness further admitted that he never stated before police and denied the fact that the police took his statement wherein he deposed that his sister Pammi was died on 16.09.2004 during her treatment.

10. **P.W. 3- Pramond Kumar Singh** deposed that Pammi Kumari died in Bhalsuma village but he cannot say how and when she died.

In his cross examination, the witness deposed that he gave his statement before the police and stated that accused-Prakash Ram flew away with Pammi but denied the fact that he had falsely deposed before the Court.

11. **P.W. 4- Yaswant Kumar Sinha** deposed that he also got information from Shobha Turi as to the fact that his sister was murdered and whereupon they went to the accused where the accused had not stated anything and then they enquired from villagers where they informed that her sister were murdered on 14.07.2004.
- In his cross examination, the witness denied the fact that Pradeep Ram married with his sister Pammi. Further deposed that his sister living with Pradeep Ram and she was undergoing treatment by Dr. Shardha Sinha and then by Dr. Anjubala. The witness further admitted that his sister was pregnant but he cannot say the month of her pregnancy. The witness further admitted that his sister died during treatment under Dr. Anjubala but denied the fact that he had falsely deposed before the Court.
12. **P.W. 5- Rama Devi @ Rambha Devi** had not supported the case of prosecution but she was not declared hostile even had not spoken anything for the prosecution.
- In her cross-examination, the witness deposed that she live at her home.
13. **P.W. 6- Kedar Kumar Rawat** is a tempo driver, who deposed that he was at Jasidih Station when one driver of tracker came and told him that one lady is serious who needs immediate doctor consultation. The witness further deposed that the next day the same driver met him and told that the said patient died.
- In his cross-examination, the witness deposed that he cannot say name the driver of said tracker.
14. **P.W. 7- Shanti Devi** deposed that Pammi Devi was married to Pradeep Ram and later became pregnant from him and she was died during her delivery at doctor's clinic.
- In her cross-examination, the witness admitted that none had murdered Pammi Devi as she died during treatment. The witness further admitted that informant-Hemnat Kumar Sinha was present at clinic at the time of treatment as well as at the time of her death. The witness further admitted that Hemant Kumar Sinha was present at the time of death of Pammi Devi and it was him who took the dead body of sister Pammi Devi to Dharmarai Dih where her last rituals were done.
15. **P.W. 8- Vinita Devi** deposed that Pammi Devi was married to Pradeep Ram and later became pregnant from him and she was died during her delivery at doctor's clinic.
- In her cross-examination, the witness admitted that none had murdered Pammi Devi as she died during treatment. The witness further admitted that informant-Hemnat Kumar Sinha was present at clinic at the time of treatment as well as at the time of her death. The witness further admitted that Hemant Kumar Sinha was present at the time of death of Pammi Devi and it was him who took the dead body of sister Pammi Devi to Dharmarai Dih where her last rituals were done.
16. **P.W. 9- Sushila Devi** deposed that Pammi Devi was married to Pradeep Ram and later became pregnant from him and she was died during her delivery at doctor's clinic.

In her cross-examination, the witness admitted that none had murdered Pammi Devi as she died during treatment. The witness further admitted that informant-Hemnat Kumar Sinha was present at clinic at the time of treatment as well as at the time of her death. The witness further admitted that Hemant Kumar Sinha was present at the time of death of Pammi Devi and it was him who took the dead body of sister Pammi Devi to Dharmarai Dih where her last rituals were done.

17. **P.W. 10- Kishore Kumar Rai** deposed that Pammi Devi was married to Pradeep Ram and later became pregnant from him and she was died during her delivery at doctor's clinic. In his cross-examination, the witness admitted that none had murdered Pammi Devi as she died during treatment. The witness further admitted that informant-Hemnat Kumar Sinha was present at clinic at the time of treatment as well as at the time of her death. The witness further admitted that Hemant Kumar Sinha was present at the time of death of Pammi Devi and it was him who took the dead body of sister Pammi Devi to Dharmarai Dih where her last rituals were done.
18. **P.W. 11- Kapil Rai** deposed that Pammi Devi was married to Pradeep Ram and later became pregnant from him and she was died during her delivery at doctor's clinic. In his cross-examination, the witness admitted that none had murdered Pammi Devi as she died during treatment. The witness further admitted that informant-Hemnat Kumar Sinha was present at clinic at the time of treatment as well as at the time of her death. The witness further admitted that Hemant Kumar Sinha was present at the time of death of Pammi Devi and it was him who took the dead body of sister Pammi Devi to Dharmarai Dih where her last rituals were done.
19. **P.W. 12- Ravindranath Ojha** is the I.O. of the case who had done part investigation in this case. The witness deposed that on 17.06.2005, he was posted at Chandramandih P.S. from where he took charge of remaining investigation of this case and on 19.06.2005 filed charge-sheet against Shanti Ram and continued investigation against rest of the accused till then he was transferred to different P.S. In his cross-examination, the witness admitted that he had not taken statement of any of the witness during the investigation because he was in-charge of investigation only for a day. The witness also admitted that he had not taken statement of any of the accused.
20. **DW-1- Narsingh Rai** deposed that Ratna Sinha @ Pammi Devi was daughter of Krishnand Prasad who after love marriage became pregnant and died during treatment. The witness further deposed that the dead body of Pammi was carried out to the Dharmrai Dih village by her brother namely Hemant Kumar. The witness further deposed that none had murdered Pammi Devi while she died during her treatment. In his cross-examination, the witness admitted that he had no personal knowledge about the alleged occurrence.

21. **DW-2- Ramkishore Rai** deposed that Ratna Sinha @ Pammi Devi was daughter of Krishnand Prasad who after love marriage became pregnant and died during treatment. The witness further deposed that the dead body of Pammi was carried out to the Dharmrai Dih village by her brother namely Hemant Kumar. The witness further deposed that none had murdered Pammi Devi while she died during her treatment. In his cross-examination, the witness admitted that he had no personal knowledge about the alleged occurrence.
22. **DW-3- Tripurari Kumar Rai** deposed that Ratna Sinha @ Pammi Devi was daughter of Krishnand Prasad who after love marriage became pregnant and died during treatment. The witness further deposed that the dead body of Pammi was carried out to the Dharmrai Dih village by her brother namely Hemant Kumar. The witness further deposed that none had murdered Pammi Devi while she died during her treatment. In his cross-examination, the witness admitted that he had no personal knowledge about the alleged occurrence.
23. **DW-4- Rajnarayan Singh** deposed that Ratna Rai was married to Pradeep on 03.12.2003 and a marriage certificate was prepared at Kolkata which was marked as X on identification with objection. The witness further deposed that during the pregnancy of Ratna Rai, she underwent treatment by the doctors and died during treatment. The witness further deposed that brother of Ratna took the dead body of his sister Ratna from Deoghar to Dharmarai Dih where her last rituals were conducted. In his cross-examination, the witness admitted that he lives at Kolkata and came to depose before the Court upon saying of the accused. The witness further stated that though he was present during preparation of marriage certificate but he was not a witness to the same. The witness denied the fact that he had falsely deposed before the Court.

#### Analysis of Evidence

24. **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 as none had uttered anything directly against the accused persons. Further submitted that most of the witnesses have admitted the fact that Pammi Devi @ Ratna Sinha had love marriage with the accused-Pradeep and later on she became pregnant and during course of her pregnancy underwent treatment by the doctors where she died. Further deposed that most of the witnesses have stated that the informant-Hemant Sinha was present during the last breath of Pammi Devi @ Ratna Sinha and it was who took the dead body and went to Dharmrai Dih for last rituals. It is further submitted that the basis of the case is the information given by Chowkidar to the informant but the prosecution failed to take pain to examine him before the Court so as to corroborate the

FIR. Further submitted that the prosecution has even failed to examine the main I.O. who had conducted large part of the investigation and as such neither the FIR was proved nor the place of occurrence has been identified. Further submitted the witnesses produced on behalf of prosecution have completely denied the alleged occurrence and as such completely demolished the case of prosecution. Therefore, it is submitted that the prosecution has failed to establish its case beyond any shadow of doubt.

25. 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.
26. The court has gone through the record. In support of its case, the prosecution has examined as many as 12 witnesses while the defence has produced four witnesses to deny the case of the prosecution. It further reflects that there is no post-mortem on the record and even no doctor was examined on behalf of the prosecution. It further reflects that the father of the informant filed a case earlier with respect to kidnapping of Pammi Devi. From record it also reveals that Pammi Devi @ Ratna Sinha died and her dead body was cremated at Dharmrai Dih prior to institution of this case.
27. PW-2 is the informant of this case who deposed that on 17.09.2004 he received information from Chowkidar as to the murder of Pammi Devi @ Ratna Sinha at Bhalsuma village while PW-1 who is own brother of PW-2 has deposed that he received information from Chowkidar as to murder of his sister Pammi Devi @ Ratna Sinha on 16.09.2004 as such it creates suspicion on the actual date of information received by the informant or by any other person. Further the informant and his family members have deposed that when they went to the village of accused-Pradeep then the villagers told them about murder of Pammi Devi @ Ratna Sinha but none of the witness took the name of any villagers from whom they received such information. Further, the prosecution had not examined any of the witness of the said village so as to corroborate the story propounded by the informant.
28. Further, the informant and his family members deposed before the Court have taken name of Chowkidar Shobha Turi from whom they received information as to murder of Pammi Devi @ Ratna Sinha but the prosecution neither examined the said Chowkidar nor produced any witness to corroborate the said fact nor assign any reason for non-production of the said witness before the Court and as such I find merit in the submissions of the defences that the said Chowkidar Shobha Turi never made any information to the informant or any other person.
29. Further, PW-4, the own brother of Pammi Devi @ Ratna Sinha, deposed that his sister was pregnant and she was undergoing treatment by doctor Anjubala where she died during treatment and as such it completely demolishes the case of the prosecution as to the fact that Pammi Devi @ Ratna Sinha was died by administering poison.
30. Further, PW-6 also supports the fact that Pammi Devi @ Ratna Sinha was serious during her pregnancy which also creates dent on the case of the prosecution.

31. Further, PW-7, PW-8, PW-9, PW-10 and PW-11 have admitted that Pammi Devi @ Ratna Sinha was married with Pradeep and became pregnant and during treatment of the same, she died at doctor's clinic. These witnesses have unequivocally deposed that the informant-Hemant Sinha was present during treatment of Pammi Devi @ Ratna Sinha and as well as at the time of death of Pammi Devi @ Ratna Sinha at the doctor's clinic. These witnesses have also admitted the fact that it was informant-Hemant Sinha who took the dead body of Pammi Devi @ Ratna Sinha from Deoghar and went to Dharmrai Dih for the last rituals. These depositions not only create huge doubt over the case of the prosecution but also infer as to the fact that the informant and his family members have filed this case with ulterior motive and I find merit in the submissions of defences that the case has been filed by the informant just to pressurise the accused.
32. Further the prosecution has failed to adduce any cogent evidence so as to believe that Pammi Devi @ Ratna Sinha died because of administering poison rather the evidences produced on their behalf suggests the fact that Pammi Devi @ Ratna Sinha died naturally and during treatment of her pregnancy under supervision of doctor at the doctor's clinic.
33. Further, the evidence produced on behalf of the defence also supports the fact that the informant was present during treatment of his sister and also of the fact that Pammi Devi @ Ratna Sinha died under medical treatment.
34. Under the aforesaid circumstances where a prosecution had not only failed to prove the actus conducted by the accused in the death of Pammi Devi @ Ratna Sinha but also failed to bring on record any cogent evidence so as to corroborate the allegation made in the F.I.R. against the accused persons. Further the prosecution has failed to corroborate the allegation made in the F.I.R. and also failed to establish the manner, time and place of alleged occurrence. The evidence so produced on behalf of the prosecution are neither consistent nor reliable and also not trustworthy.
35. It is settled law that "the prosecution must prove its case beyond reasonable doubt and cannot derive strength from weakness of defence."
36. 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.
37. Consequently, the prosecution has, therefore, failed to prove the charges against accused persons namely, **1. Prakash Ram, 2. Suresh Ram, 3. Pradip Ram 4. Sonma Devi and 5. Devki Devi** beyond reasonable doubt.

**ORDER**

38. In view of the above, this Court is of the opinion that the prosecution has failed to establish the offences u/ss **302, 201/34 of I.P.C** against the accused persons namely, **1. Prakash Ram, 2. Suresh Ram, 3. Pradip Ram 4. Sonma Devi and 5. Devki Devi** 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 27<sup>th</sup> of May, 2026 in open court.**

(Sri Manoranjan Kumar Jha)  
Addl. Sessions Judge-VI<sup>th</sup>  
Jamui  
Dated- 27<sup>th</sup> May, 2026

**Dictated**

(Sri Manoranjan Kumar Jha)  
Addl. Sessions Judge-VI<sup>th</sup>  
Jamui  
Dated- 27<sup>th</sup> May, 2026