

FORM-A

<u>IN THE COURT OF ADDITIONAL SESSIONS JUDGE-VI, JAMUI</u> Present: <u>Manoranjan Kumar Jha, A.S.J.-VI</u> Date of Judgement : 27.05.2026 SESSIONS TRIAL No. 108/2017 CNR No.- BRJA01-000795-2017 Khaira P.S. Case No.- 201/2016 U/ss- 395, 412 of IPC	
Complainant/Informant	Appu Singh
Represented by	Sri Chigu Ravidas, Ld. Addl. P.P.
Accused	1. Jai Prakash Ram, 2. Binod Ram, 3. Sanjeev Singh @ Awadesh Kumar Singh 4. Prabhat Singh and 5. Nandan Kumar Singh
Represented by	Sri Rajesh Kumar Singh, Ld. Advocate

FORM-B

Date of offence	27.07.2016
Date of FIR	27.07.2016
Date of Charge Sheet	27.10.2016
Date of framing of charges	03.06.2017
Date of commencement of evidence	23.06.2017
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.	Jai Prakash Ram			U/s- 395, 412 of IPC	Acquitted	N.A.	N.A.
02.	Binod Ram			U/s- 395, 412 of IPC	Acquitted	N.A.	N.A.
03.	Sanjeev Singh @ Awadhesh Kumar Singh			U/s- 395, 412 of IPC	Acquitted	N.A.	N.A.
04.	Prabhat Singh			U/s- 395, 412 of IPC	Acquitted	N.A.	N.A.
05.	Nandan Kumar Singh			395, 412 of IPC	Acquitted	N.A.	N.A.

FORM-C

LIST OF PROSECUTION / DEFENCE / COURT WITNESSES

A- Prosecution

RANK	NAME	NATURE OF EVIDENCE
PW-1	Jitendra Gupta	Prosecution witness
PW-2	Tinku Kumar @ Binay Ashm	Prosecution witness
PW-3	Kundan Kumar @ Kundan Ram	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

J U D G E M E N T

- The accused persons, namely, **1. Jai Prakash Ram, 2. Binod Ram, 3. Sanjeev Singh @ Awadesh Kumar Singh 4. Prabhat Singh** and **5. Nandan Kumar Singh** are facing trial for the offence punishable under sections **395, 412 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 Khaira P.S. Case No.- 201/2016, dated 27.07.2016 was registered under Sections **392 of IPC** against the unknown accused. After completion of investigation police submitted charge-sheet u/ss- **395, 412 of IPC** against the accused persons namely **1. Jai Prakash Ram, 2. Binod Ram, 3. Sanjeev Singh @ Awadesh Kumar Singh 4. Prabhat Singh and 5. Nandan Kumar Singh** thereupon the Ld. Court below has taken cognizance u/ss- **395, 412 of I.P.C** on dated 02.11.2016.
4. Charges under Sections **395, 412 of I.P.C** were framed on 03.06.2017 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 **three** witnesses namely **Jitendra Gupta, Tinku Kumar and Kundan Kumar. Whereas the defence neither adduced any oral or documentary evidence.**
8. **P.W. 1-Jitendra Gupta** deposed that the alleged occurrence took place in the year 2017 and he had no knowledge about it and even the police has not taken his statement. The witness further denied the fact that he had stated to the police that the accused have robbed Appu Singh on 27.07.2016.
In his cross-examinations, the witness admitted that he had voluntarily deposed before the court.

9. **P.W. 2- Tinku Kumar** deposed that can not say date, time and manner of appearance and also the witness failed to identify the accused present in the court. The witness denied to identify informant Appu singh and one Dilip Sah. In his cross examination, the witness deposed that he gave his statement before the court on notice and even deposed voluntarily.

10. **P.W. 3- Kundan Kumar** deposed that can not say date, time and manner of appearance and also he had no knowledge as to the fact that who had filed this case. The witness identified accused Prakash Ram but could not taken name of other accused present in the court. In his cross examination, the witness deposed that he gave his statement before the court on notice and even deposed voluntarily. The witness further deposed that he identified the accused because of being his villager.

Analysis of Evidence

11. **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 appeared before the court to supported case of the prosecution. Further, the prosecution has even failed to examined I.O. 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.
12. 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.
13. The court has gone through the record. In support of its case, the prosecution has examined only 03 witnesses. It further reflects that these witnesses produced on behalf of the prosecution have not supported the case and even denied the alleged occurrence. Further inspite of ample opportunities, the prosecution has failed to examined the victim/informant so as to corroborate the case, the content of the F.I.R. and the alleged manner of occurrence. It further reflects that the prosecution failed to establish the F.I.R. and the place of alleged occurrence because of the fact that the I.O. remained unexamined.
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 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.
16. Consequently, the prosecution has, therefore, failed to prove the charges against accused persons namely, **1. Jai Prakash Ram, 2. Binod Ram, 3. Sanjeev Singh @ Awadesh Kumar Singh 4. Prabhat Singh and 5. Nandan Kumar Singh** 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 **395, 412 of I.P.C.** against the accused persons namely, **1. Jai Prakash Ram, 2. Binod Ram, 3. Sanjeev Singh @ Awadesh Kumar Singh 4. Prabhat Singh and 5. Nandan Kumar Singh** 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 27th of May, 2026 in open court.**

Dictated

(Sri Manoranjan Kumar Jha)
Addl. Sessions Judge-VIth
Jamui
Dated- 27th May, 2026

(Sri Manoranjan Kumar Jha)
Addl. Sessions Judge-VIth
Jamui
Dated- 27th May, 2026