

IN THE COURT OF DISTRICT & ADDITIONAL SESSION JUDGE-II JAMUI
Session Trial No. 103/2024, CIS No.103/2024
(Jhajha P.S case no.-235/2023)

Present :- Sudhir Sinha

Present:-

Sudhir Sinha
District & Addl. Sessions Judge-II
Jamui

Date of Judgment:- 23.04.2026

S.Tr. No.-103/2024

Police Station :- Jhajha
PS Case No. :- 235/2023
Under Section :- 341, 323, 324, 325, 498(A), 307, 326, 504, 506 IPC

State (Through *Informant Hemanti Devi*)

..... Prosecution.

V.

1. Govind Das

.....Accused

Counsel for the State:- Sh. Manoj Kumar Singh, Addl.P.P.

Counsel for the Defence:- Sh. Mukesh Kumar Yadav, Advocate

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FORM B

Date of Offence	17.05.2023
Date of F.I.R.	17.05.2023
Date of Framing of charge	17.05.2024
Date of commencement of evidence	27.05.2024
Date on which judgment is reserved	09.04.2026
Date of the judgment	23.04.2026
Date of the sentencing order, if any	29.04.2026

Accused details:

Rank of the accused		
Name of the accused/ Date of arrest.	Govind Das	18.05.2023
Date of release on bail	Govind Das	In custody
Offences Charged with	Govind Das	341, 323, 324, 325, 498A, 307, 326, 504, 506 IPC & 3/4 Dowry Act
Whether acquitted or convicted	Govind Das	Convicted
Sentence imposed	For offence u/s 341, 323, 506 IPC	3 yrs. R.I and a fine of Rs. 5000/-
Period of detention undergone during trial for purpose of Section 428 Cr.P.C.	Govind Das	2 years 11 months 5 days

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FORM C

A. Prosecution

Rank	Name	Nature of evidence
PW-1	Sadhana Kumari	Victim
PW-2	Hemanti Devi	Informant/Mother of victim
PW-3	Bijendra Das	Father of victim
PW-4	Dr. Mirtunjay Kumar	Medical officer
PW-5	Dr. Arun Kumar Singh	Medical officer
PW-6	Bibhanshu Shekhar Bhaskaram	I.O

Defence witnesses, if any:

Rank	Name	Nature of evidence
DW-1	Raju Das	Cousin of accused

Court witnesses, if any

Rank	Name	Nature of evidence
CW-1	None	None

LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS

A. PROSECUTION:-

Sr.No.	Exhibit No.	Description
1.	Ext. P1	The injury report of Sadhana Devi
2.	Ext. P2	The injury report of Sadhana Devi
3.	Ext. P2/1	The supplementary report
4.	Ext. P3	The formal FIR
5	Ext. P3/1	The endorsement over written information

B. DEFENCE:

Sr. No.	Exhibit No.	Description
1.	Nil	Nil

C. Court Exhibit

Sr. No.	Exhibit No.	Description
1.	Nil	Nil

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D. Material Objects:

Sr. No.	Material Object No.	Description
1.	Nil	Nil

JUDGMENT

1. The accused Govind Das stands tried for offences of wrongfully restraining Sadhana Devi, voluntarily causing hurt to her, causing hurt to her by means of sword and knife, causing grievous hurt to Sadhana Devi, voluntarily causing grievous hurt to her by means of sharp cutting weapon sword and knife, assaulting her with intention to murder her, subjecting her to cruelty being husband, intentionally insulted her to cause breach of peace, for causing criminal intimidation to her and also for giving and taking of dowry allegedly on 17th of day of May, 2023 at about 2:30 PM at village Baliyadih, PS-Jhajha, District-Jamui.
2. The matrix of prosecution case is that on the basis of written information of Hemanti Devi, the Jhajha PS Case No.-235/2023 dated 17.05.2023 was registered u/s- 341/323/324/325/498(A), 307, 326, 504, 506 IPC & 3/4 DP Act against sole accused Govind Das , wherein she has stated that her daughter Sadhana Devi was married with Govind Das of Baliyadih village about five years before. On 17.05.2023 at about 2:30PM the accused Govind Das @ Foudari in drunken state with intention to kill assaulted his wife Sadhana Devi with scissors, knife and sword and badly injured her. In course of assault he inserted scissors in her vagina and inflicted knife injury at her eyes and also assaulted at different parts of her body causing serious injuries to her. Due to assault she was lying in injured condition in the courtyard. Upon getting information from the villagers, she reached at Baliyadih and with the help of Jhajha Police took her daughter to hospital at Jhajha. In this incident Vishwanath Das and his wife Raniya Devi are also involved. They all used to harass her daughter for dowry.

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3. The IO after investigation submitted the charge sheet no.-243/2023 dated 30.06.2023 against accused Govind Das pending supplementary investigation against Vishwanath Das and Raniya Devi. The cognizance vide order dated 06.10.2023 was taken for offence u/s-341,323,324,325,498(A), 307, 326, 504, 506 IPC & 3/4 DP Act, and the record after commitment was received in the Sessions Division as S.Tr. No.-103/2024.
4. The charge against the accused Govind Das was framed on 17.05.2024 u/s- 341,323,324,325,498(A), 307, 326, 504, 506 IPC & 3/4 DP Act, to which he pleaded not guilty and claimed to be tried. The prosecution evidence was closed on 02.01.2026 and the statement of accused was recorded u/s 313 of the Cr.PC on 15.01.2026 wherein he denied the evidences against him and pleaded innocence. On the written submission of defence their evidence was closed on 18.02.2026 and after hearing from the parties the record is today fixed for judgment.
5. The points for determination before this Court is whether the prosecution has proved the charges against the accused beyond all reasonable doubts?

FINDINGS

6. The prosecution in order to substantiate, prove its case and to nail the guilt of the accused has produced PW-1 Sadhana Kumari @ Sadhana Devi, PW-2 Hemanti Devi, PW-3 Bijendra Das, PW-4 Dr. Mritunjay Kumar, PW-5 Dr. Arun Kumar Singh and PW-6 Bibhanshu Shekhar Bhaskaram. The injury report of Sadhana Devi is marked as Ext. P1 and Ext. P2, the supplementary report is marked as Ext. P2/1, the formal FIR is marked as Ext. P3, the endorsement over written information is marked as Ext. P3/1. The defence on the other hand has produced only one oral witness Raju Das DW-1.
7. PW-1 Sadhana Kumari @ Sadhana Devi has stated in her examination-in-chief that she was married to Govind Das @ Faudari in the year 2016. After marriage she went to her Sasural Baliyadih. On 17.05.2023 at about 2:30 in the day her husband in drunken state came and assaulted her.

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She asked her husband as to why he is beating her, he told that because her father did not give dowry. Her husband inserted knife and scissors in her genital organ and it started bleeding she became nervous. He assaulted at her eyes and head with axe due to which she is having problem in hearing and eyesight. She went to Jhajha PS from where she was sent to Jhajha Hospital for treatment and then was referred to Jamui Hospital and then again to Patna. But due to financial problem she could not go to Patna for treatment and instead got herself treated at Radhika Emergency Hospital, Jamui. She has a son aged about 5-6 years. She has further stated that her mother-in-law Raniya Devi, father-in-law Vishwanath Das threatened her with life if she dared to depose before the Court. Both father-in-law and mother-in-law also threatened her for demand of dowry and used to press for motorcycle and threatened that if the dowry is not fulfilled they will kill her. She identified the accused Govind Das @ Faudari her husband present before the Court.

8. During cross-examination she has replied the date of her marriage as 26th April, 2016. She remained happily her sasural for about 3 years. The torture started after birth of child. She did not inform the PS regarding such dowry demand and torture. In para-10 she has stated to have given this information to Sarpanch of parent's village and matrimonial village. In para-12 she has stated that this time after 15 days of her arrival at Sasural, she was assaulted and forced out of house. She has given this information to Sarpanch but not to the P.S. In para-15 she has stated that her father and mother came to take her away. Her father and mother had given information regarding such occurrence to the co-villagers but not to the Sarpanch of their village. The father and mother did not inform the Simlutalla PS or Jhajha PS regarding such occurrence. In para-18 she has stated that her father-in-law, mother-in-law threatened her with life for deposing before the Court about 2-3 months before. In para-19 she has stated that while she was going to her Mama's place she met with father-in-law and mother-in-law who threatened her. In para-23 she has stated that at the time of alleged incident only she and her

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husband were there. In para-26 she has stated to have studied upto class 8. Lastly during suggestion in para-27 she has denied that no such torture was given to her and she has deposed falsely in this case.

9. PW-2 Hemanti Devi who is the mother of Complainant/victim has stated in her examination-in-chief that the incident occurred about 1-½ years before. Her daughter was married at Baliyadih, PS Jhajha in the year 2016. Her son-in-law Govind Das beat up Sadhana Devi mercilessly making her almost lifeless. He inserted scissors and knife into her urinary track and it started bleeding. He also assaulted with axe at her eyes. When she reached at the matrimonial house of her daughter she was lying in injured condition. She took her to Jhajha Govt. Hospital and then to Radhika Hospital, Jamui where she was treated upon. Due to financial problem she could not take her daughter to Patna for better treatment. Her son-in-law committed such an act with her daughter due to non-fulfillment of dowry demand. Presently her daughter lives with her. She has filed this case before the P.S which was read over to her and finding the same as correct she had put her thumb impression over it. Lastly the witness identified the accused Govind Das present before the Court.

10. During cross-examination she has stated that she did not see herself the assaulted on her daughter and insertion of knife and scissors in her urinary track. She has stated in para-6 that her daughter knew cooking and also knew how to cut vegetable by knife. In para-10 she has stated not to know the distance of Baliyajor from her house. In para-12 she has stated to have been to her daughter's sasural many a times but cannot say the exact number. In para-15 she has stated that her husband is a labour. She has denied that her husband was ever jailed and has stated that there is no case pending against him. She has also denied to know the boundary of PO and has stated that there were many persons at the PO but cannot name them. In para-13 she has stated to have put her thumb impression as told by the police officer.

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Lastly she has denied the suggestion to have deposed falsely as being mother of victim.

11. During Court question she has stated that the written information was read over to her and finding the same as correct she had put her thumb impression over it.
12. PW-3 Bijendra Das has stated in his examination-in-chief that his daughter was married in the year 2016. She went to her Sasural in the year 2017. Her daughter was assaulted by Govind Das. Upon getting the information he, his wife and some villagers went to Baliyadh and found that his daughter was mercilessly assaulted and knife and scissors were inserted inside her vagina and it started bleeding. He took his daughter to Jhajha PS from where she was sent to Jhajha hospital for treatment and due to seriousness of injury she was referred to Jamui Sadar Hospital which also referred her to PMCH Patna. But they got her treated upon at Radhika Private Hospital Jamui. His son-in-law Govind Das @ Faudari used to assault her and demanded motorcycle in dowry. The witness identified the accused Govind Das @ Faudari his son-in-law present before the Court.
13. During cross-examination he has stated in para-7 that his daughter is aged about 24 years. In para-9 he has stated that the matrimonial house is at a distance of 20 Kms. from his village. In para-11 he has stated that his daughter was kept in good humor for 5 months. She came to her maika 2-3 times. In para-14 he has stated that whenever his daughter comes to maika, she used to cook food. In para-15 he has stated that there was no case pending against him nor has ever been to Jail and in para-17 he has stated to work at village, Deoghar and sometimes outside. In para-18 he has stated to be working at Pune on the alleged date of occurrence. The defence has drawn contradiction in para-20 that he has stated before the police, that his son-in-law used to demand motorcycle from her daughter and said that go and bring motorcycle from your father. Lastly he has denied the suggestion in para-21 that being the father, he has deposed falsely in this case.

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14. PW-4 Dr. Mritunjay Kumar has stated in his examination-in-chief that on 17.05.2023 he was posted as S.M.O in Sadar Hospital, Jamui. On that day he examined Sadhana Devi w/o Govind Das the patient was referred from PHC Jhajha with registration no. E2739 dated 17.05.2023 and found:-

- (i) Semiconscious
- (ii) Bleeding from left ear.
- (iii) Right eye swelling.
- (iv) Vomiting.

Radiology:-

- (i) X-Ray skull AP's and Lt. (Not available)
- (ii) NCCT Brain.

15. Treatment given at that time to patient and patient referred to higher center PMCH Patna. Neurology, eye, GIT department for further investigation and management.

16. This report is in his handwriting and signature which on his identification was marked as Exhibit P-1.

17. During cross examination he has stated in para-2 not to inform the police before examining the patient. In para-3 he has stated there may be so many reasons of semi consciousness. In para-4 he has stated not to have found any injury in the left ear of the patient. In para-5 he has stated that a swelling in right eye may be possible by insect bite or due to some disease also. In para-6 he has stated that vomiting may occur due to gastric problem. He has further stated that Radiological report is not present before him. No Report of PMCH was produced before him and further no report was produced before him by Neurology, eye, GIT department. He therefore could not give any final opinion. Lastly during suggestion he has denied that his report is not scientific and collusive.

18. PW-5 Dr. Arun Kumar Singh has stated in his examination-in-chief that on 17.05.2023 he was posted as M.O at Referral Hospital Jamui. On that

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day he examined Sadhana Devi, w/o Govind Das aged -24 years and found following -

As per patient she was locked in a room and beaten by her husband.

(I) o/e pulse 55/min

(ii) spo2-97%

(Iii) it chest crept+

(iv) Right eye swelling

(V) Left eye pupil dilated

(vi) Both leg swelling with old blood clots.

MOI- Mole on face

Time of injury within 14 hours.

Time of examination- 3.40 PM

Opinion reserved

19. Patient referred to Sadar Hospital, Jamui for further management and inquiry about the nature and cause of injury.
20. This injury report is typed by D.E.O Jhajha RH under his dictation. He found it true and put his signature over it and the same on his identification was marked as Ext. P2. Likewise Supplementary report is marked as P2/1. The photocopy of injury is attached on record which bears the seal of P.S.
21. During cross-examination he has stated not to have mentioned the bed head ticket because patient was not admitted. In para-3 he has stated not to have given any opinion as NCCT brain was not produced before him. In para-4 he has stated that such injury can also be caused by falling on the ground. Lastly in para-5 he has denied the suggestion that his report is not scientific.
22. PW-6 Bibhanshu Shekhar Bhaskaram, the IO of this case has stated in his examination-in-chief that on 17.05.2023 he was posted as PSI at Jhajha PS. On that date he assumed the charge of investigation of Jhajha PS Case No. 235/2023 from the then SHO Subodh Yadav. The formal FIR is in the pen of PS writer and carries the signature of SHO Subodh Yadav which on his

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identification was marked as Ext. P3. The endorsement over written information is in the pen and signature of SHO Subodh Yadav which on his identification was marked as Ext. P3/1. He entered the FIR in the case diary, recorded the re-statement of informant, recorded the statement of witness Bijendra Das and injured witness, Sadhana Devi. He reached at the PO as told by the informant, which is situated at village Baliyadih about 8 Kms east of Jhajha P.S. In Ravidas Tola there is house of Sadhana Devi in which there is allegation of assault upon Sadhana Devi and insertion of scissors and knife in her private part by the accused. The boundary of PO is pucca house of Ramesh Das in the North, Kachcha Sadak towards Baliyadih in the South, vacant land of Mangal Das in the East and Pucca house of Suresh Das in the West. He arrested the accused from the PO, obtained the injury report and entered it into the case diary. He obtained the supervision note of Superior Officer in which the case was found as true. On the basis of statement of informant, the witnesses, inspection of PO, injury report and supervision note of superior official finding the case as true for offence u/s 341,323, 324, 325, 498A, 307, 326, 504, 506 of IPC and 3/4 D.P Act, he submitted the chargesheet no. 243/2023 dated 30.06.2023 against accused Govind Das. The witness identified the accused Govind Das present before the Court.

23. During cross-examination he has stated in para-5 that SD Entry number is not mentioned in the formal FIR. In para-6 he has stated that Bijendra Das in CD para-3 had not stated that there was demand of motorcycle as dowry from his daughter. The witness had merely stated that there was a demand of dowry. In para-7 he has stated not to have mentioned the SD Entry by which he assumed the charge of investigation. In para-8 he has stated not to have mentioned the time when he recorded the statement of witnesses Hementi Devi and Bijendra Das in the case diary. He has also not mentioned height/structure and Adhar no. of the witness. In para-9 he has stated not to have mentioned in the case diary who informed him about the PO. He has also stated not to have mentioned the time when he reached at

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the PO. In para-11 he has stated not to have recorded the statement of PO boundary persons. In para-13 he has stated not to have mentioned in the case diary the time of arrest of the accused Govind Das. In para-14 he has also stated not to have mentioned the time of recording the statement of injured Sadhana Devi in the case diary. In para-15 he has stated to have mentioned in the case diary the supervision note but has not mentioned who gave it to him and at what time. In para-16 he has stated that the injury report were not made available hence the same are not mentioned in the case diary. Lastly during suggestion in para-17 he has denied to have deposed falsely and to have implicated innocent person under influence of informant and her uncle Robin Das who is a police officer.

24. DW-1 Raju Das has stated in his examination-in-chief that on 17.05.2023 at 2:30 hours in the day, he and his wife were at his home. Sadhana Devi was also there. All three were making Bidi at the same place. Sadhana Devi fell down due to dizziness and the scissors went inside her vagina and she sustained injuries at 3-4 places. Govind Das is the husband of Sadhana Devi but he did nothing. She sustained knife injury at her eye due to falling on ground. This case was lodged by Hemanti Devi who is mother-in-law of accused Govind Das. She has filed false case. The witness identified the accused Govind Das present before the Court. During cross-examination by the prosecution he has stated in para-3 that his aunty is the mother of Govind Das who has brought him for evidence. He has not received any notice from the Court. In para-4 he has stated that the scissors were taken out from inside the private part of Sadhana Devi by a doctor. Lastly he has denied the suggestion to have deposed falsely in his chief examination.

25. The accused Govind Das @ Faudari Das has completely denied the evidences against him in his statement u/s-313 of the Cr.P.C (351 B.N.S.S) and has stated to have heard the witnesses. He has denied the charge that on 17.05.2023 at about 2:30 in the day he under drunken state assaulted his wife Sadhana Devi with intention to kill by inserting knife in

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her genital part, at her eyes with knife and also assaulted with sword at different parts of her body causing serious injuries to her. PW-1 Sadhana Devi has given evidence that you and your father and mother used to harass her for dowry demand. On 17.05.2023 at about 2:30 in the day you came in drunken state, assaulted her and inserted knife and scissors in her urinary track and it started bleeding and also assaulted at her eye and head with axe. The witness has identified you before the Court. The accused has replied it to be false. PW-2 Hemanti Devi has also given evidence that her daughter Sadhana Devi was assaulted and knife and scissors was inserted in her urinary track causing bleeding and she virtually became lifeless. The witness has identified you before the Court. The accused has stated it to be false. PW-3 Bijendra Das has also stated that you used to assault Sadhana Devi in drunken state and demanded motorcycle in dowry. The witness has identified you before the Court. The accused in reply has stated the same to be false. PW-4 Dr. Mritunjay Kumar and PW-5 Arun Kumar have stated that they examined Sadhana Devi and referred her to PMCH for better treatment. The accused has denied and stated it to be false. PW-6 the IO has given evidence that on the basis of statement of informant and the witnesses, inspection of PO, injury report and supervision notes of Superior Officials he found the case as true and submitted the chargesheet against you for offence u/s 341, 323, 324, 325, 498A, 307, 504, 506 & 3/4 D.P Act. The witness has also identified you before the Court. The accused in reply has stated it to be false. And lastly in defence he has stated himself to be innocent.

26. The Id. Counsel for the accused during arguments has stated that the accused is innocent and has committed no offence and has been falsely implicated in this case due to family dispute. The prosecution case is totally false and the real fact is that the victim Sadhana Devi herself did not want to live with her husband and hence hatched this conspiracy with her father and mother to implicate the accused Govind Das in this false and concocted case and to lead a life of her own choice. The Id. Counsel further argued that it is

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clear from the evidence of PW-1 Sadhana Kumari @ Sadhana Devi that she was living in her Sasural happily for three years. After the birth of child, the accused started torturing her for dowry. This is most unheard situation in matrimonial cases because in cases where a girl child is born, the in-laws and husband put pressure upon daughter-in-law to demand money from her parents for marriage of girl child. It is also clear that she had given the information regarding such torture to the Sarpanch of her matrimonial village and also to the Sarpanch of maika/parent's village but has not filed any chit of paper regarding the same nor has produced any such independent person who could have thrown light over the alleged incident. PW-2 Hemanti Devi and PW-3 Bijendra Das who are the mother and father of victim Sadhana Devi are not the witnesses of the fact. The father in order to prove himself as competent witness has stated that when he reached at matrimonial house of his daughter he found in her serious condition and took her to Jhajha PS and then to Jhajha Hospital for treatment. However during cross-examination he has stated in para-18 that at the time of alleged incident he was working at Pune. The statement is contradictory to each other as no person can be at both the places at the same point of time. It is also clear that there is contradiction from his statement u/s-161 of Cr.P.C that his son-in-law used to demand motorcycle from his daughter and asked her to get the motorcycle from her father. The witness in reality had merely stated that there was demand of dowry and that too without specifying the amount of demand or the article which was marked as dowry demand.

27. The Id. Counsel has also argued that as per FIR there is devastating story of assault by knife and scissors, axe and sword at different parts of the body of victim and most gruesome was the assault at private part of the victim lady with knife and scissors inside her urinary track and genital parts. However to utter surprise the doctor PW-4 Dr. Mritunjay as S.M.O in Sadar Hospital, Jamui and Dr. Arun Kumar Singh M.O in Referral Hospital, Jhajha did not find any such injury as was alleged in the FIR and also stated by the

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victim and her father, mother in testimony before the Court, the doctor father has found-

- (i) Semiconscious
- (ii) Bleeding from left ear.
- (iii) Right eye swelling.
- (iv) Vomiting.

Radiology:

The doctor advised X-Ray skull AP's and Lt. and NCCT Brain.

28. The reports of X-ray skull and NCCT brain were never produced before the doctor or before this Court. During cross examination the doctor as PW-4 elaborated that there may be so many reasons of semi-consciousness. There was bleeding from left ear but he did not find any injury in the left ear of the patient and swelling in right eye may be caused by insect bite or due to some disease also. So far as vomiting is concerned, as per doctor it may be caused due to gastric problem.

29. Both the doctors examined Sadhana Devi on the same date 17.05.2023 and doctor Arun Kumar Singh as PW-5 found-Right eye swelling, Left eye pupil dilated, Both leg swelling with old blood clots regarding which the opinion of doctor during cross-examination is that such injury can be caused by falling on hard blunt surface. As per ld. Counsel as injuries did not correspond to the allegation, the entire case is falsified. The prosecution has not been able to prove the charge and the guilt of the accused in commission of the offences charged in this case. The IO PW-6 is also not a witness of the fact who has proved the PO. The prosecution thus has failed to prove the charge against the accused beyond all reasonable doubts. In such view ld. Counsel prayed to acquit the accused of all charges in this case.

30. The ld. Addl. PP on the other hand has argued that the accused has committed heinous act of assault upon his wife Sadhana Devi by inserting knife and scissors in her urinary track. He also assaulted at her left eye and other parts of the body with intention to kill her. The mother of the victim

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upon getting the information when reached at her matrimonial house at Baliyadh, she found Sadhana Devi lying in the Courtyard in injured condition. She with the help of Jhajha Police took her to Jhajha Hospital. The Id. Counsel has further argued that Vishwanath Das father-in-law, Raniya Devi mother-in-law of Sadhana Devi were also involved in the alleged incident and these all used to harass the daughter of informant for dowry. The prosecution witnesses have corroborated the same date, time and place of occurrence and no doubt has been raised over the identity of the accused Govind Das. The IO after investigation found the case as true and submitted the chargesheet against the accused Govind Das for offence u/s-341, 323, 324, 325, 498(A), 307, 326, 504, 506 of IPC and 3/4 DP Act. PW-1 Sadhana Kumari @ Sadhana Devi victim of this case has stated that Govind Das@Faudari Das on 17.05.2023 at 2:30 in the day came in drunken state and assaulted her because her father did not fulfill the dowry demand and inserted knife and scissors in her urinary track due to which it started bleeding. He also assaulted at her eyes and head which has caused difficulty in hearing and eyesight. Other witnesses PW-2 Hemanti Devi and PW-3 Bijendra Das have also supported the case of prosecution and have stated that due to non-fulfillment of dowry demand (one motorcycle), such gruesome assault was committed by the accused.

31. PW-4 Dr. Mritunjay Kumar the S.M.O at Sadar Hospital, Jamui has also proved the injury report which was marked as Ext. P1. PW-5 Dr. Arun Kumar Singh the MO at Jhajha Referral Hospital, Jamui has also proved his injury report which is marked as Ext. P2 while the supplementary injury report is marked as Ext. P2/1. As per Id. Prosecutor the doctor has found injury at left ear bleeding, right eye swelling, vomiting and the patient was semiconscious. While Dr. Arun Kumar Singh has found injury at right eye swelling, left eye pupil dilated, both leg swelling with old blood clots which is sufficient corroboration of assault on the person of Sadhana Devi. PW-6 Bibhanshu Shekhar Bhaskaram the IO of this case has proved the formal FIR,

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the endorsement over written information and has proved the PO. The IO found the case as true and has submitted the chargesheet no. 243/2023 dated 30.06.2023 against the trial facing accused Govind Das. The IO had arrested the accused and has identified him before the Court also.

32. As per Id. Prosecutor it is clear from the testimonies of prosecution witnesses and the supporting exhibits that the prosecution has proved the guilt of the accused in commission of offences charged against him beyond all reasonable doubts. The defence has not been able to draw out any contradiction from the testimonies of PWs that can be termed as vital and material for this case. The evidence of PWs are consistent, corroborating, credible and trustworthy and the defence has not been able to discredit their trustworthiness. The contradictions, if any, are minor and will not affect the prosecution case. The Id. Prosecutor has referred to **The Hon'ble Apex Court in PCCR 2022(1) Page 392-403(SC)** in which it was held that, in the case of rustic witnesses, some inconsistencies and discrepancies are bound to be found which should not be blown out of proportion, to do so is to ignore hard realities of village life and give undeserved benefit to the accused.

33. The Id. Prosecutor while referring to the defence witness Raju Das has argued that he has stated in his chief-examination that on 17.05.2023 at 2:30 in the day he, his wife and Sadhana Devi were making bidi. Sadhana Devi fell down due to dizziness and the scissors pierced into her vagina and she sustained injures at 3-4 places. Due to fall there occurred knife injures at her eye. This case was lodged by Hemanti Devi who is the mother-in-law of Govind Das. The allegations are false and the witness identified the accused Govind Das present before the Court. The defence witness during cross-examination has stated that the doctor took out the knife from her private part. The Id. Prosecutor has argued that the allegation of victim is that her husband Govind Das inserted knife and scissors inside her urinary track and it started bleeding which was corroborated by Hemanti Devi the mother and informant of this case. It is surprising that both the doctors did not find any

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such injury or knife or scissors inside her private part for reasons best known to them while the witness of the defence has mentioned that the knife was taken out from inside the private part of Sadhana Devi by a doctor. The accused has committed such ghastly act or perverse act upon his wife has been proved by the prosecution beyond all reasonable doubts.

34. The Id. Prosecutor has placed reliance upon the **Apex Court Judgment passed in Criminal Appeal No. 404 of 2010 (Darbara Singh V State of Punjab)** wherein it was held that when there is inconsistency between medical evidence and ocular evidence, the law is well settled that, unless the oral evidence available is totally irreconcilable with the medical evidence, the oral evidence would have primacy. In the event of contradictions between medical and ocular evidence, the ocular testimony of a witness will have greater evidentiary value vis-a-vis medical evidence and when medical evidence makes the oral testimony improbable, the same becomes a relevant factor in the process of evaluation of such evidence. It is only when the contradiction between the two is so extreme that the medical evidence completely rules out as possibilities of the ocular evidence being true at all that the ocular evidence is liable to be disbelieved (**State of UP V. Hari (2009) 13 SCC 542; Bhajan Singh @ Harbhajan Singh & Ors. V State of Haryana (2011) 7 SCC 421**). The Id. Prosecutor in view of the judgment has argued that the victim Sadhana Devi has stated that the accused Govind Das assaulted her mercilessly and inserted scissors in her vagina and it started bleeding. He inflicted knife blow at her eye and head and also assaulted at her back and other parts of the body with sword. She still has difficulty in hearing and eyesight. The same injuries were stated by the informant victim's mother and the father of victim. Even the defence witness has stated about insertion of scissors inside her private parts. His statement though explained in a different manner and mode in order to save the accused but crux of the matter is that there was inserted scissors inside the private part of the victim lady. The witness has further elaborated during cross-

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examination that the scissors was taken out of the private part of Sadhana Devi by a doctor. The testimony of prosecution witnesses are intact and the same is supported by the testimony of defence witness. The doctor though have not mentioned about such injury, the Id. Counsel has argued to accord primacy to the testimony of deposing witnesses.

35. As per Id. Prosecutor where the time, place of occurrence is proved, no doubt appears over the identity of the accused, the written information was immediately given to the PS, FIR was lodged, eye-witness of the entire incident is corroborated by medical evidences, there is no error in convicting the accused. As the prosecution has proved the charge against the accused beyond all reasonable doubts, the Id. Prosecutor prayed to convict the accused Govind Das for such ghastly and murderous assault upon his wife Sadhana Devi charged u/s- 341,323,324,325,498(A), 307, 326, 504, 506 IPC & 3/4 DP Act.

36. The Court on the basis of evidences available on record having regard to the arguments placed by both the parties as also the statement of accused u/s 313 of Cr.P.C (351 of the B.N.S.S) finds that the prosecution witnesses have consistently corroborated the date, time and place of occurrence. No doubt has been raised regarding the identity of accused Govind Das who is the husband of victim Sadhana Devi. PW-1 Sadhana Devi the victim has fully supported the case of prosecution and has stated that on the alleged, date, time and place of occurrence her husband Govind Das came in drunken state and assaulted her with knife and scissors by inserting in her private part and it started bleeding. He then assaulted at her eye and head with knife due to which she still have problem in hearing and eyesight. She has also stated that her father-in-law, mother-in-law and husband demanded dowry from her. And even threatened her if the dowry(motorcycle) is not fulfilled they would kill her. PW-2 Hemanti Devi mother of victim and PW-3 Bijendra Das the father of victim have also supported the case of prosecution. Both have corroborated the same date, time and place of occurrence and the same mode and manner

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of assault and have also identified the accused present before the Court. PW-4 Dr. Mritunjay Kumar the S.M.O at Sadar Hospital, Jamui has found (i) Semiconscious, (ii) Bleeding from left ear, (iii) Right eye swelling and (iv) Vomiting. PW-5 Arun Kumar Singh the Medical officer at Referral Hospital, Jamui has found (i) Right eye swelling, (ii) Left eye pupil dilated, (iii) Both leg swelling with old blood clots. The corresponding injury is the same as was told by the victim of this case. The IO PW-6 Bibhanshu Shekhar Bhaskaram has proved the PO, recorded the statement of witnesses, obtained the injury reports and the supervision note from superior officials and finding the case as true he submitted the chargesheet against the trial facing accused.

37. The Court finds no reason to disbelieve their testimonies merely because they are relatives of the victim Sadhana Devi. **In Baleshwar Yadav Vs State of Bihar 2002(1) BCCR(HC)74**, the Hon'ble Court has held that consistent statement of witnesses regarding place of occurrence, manner of occurrence nothing cogent elicited to doubt their evidences, corroborated by medical evidence, ground of closely related witnesses can not be the basis to disbelieve their veracity and independent witnesses of the locality not examined is not a ground to draw adverse inference against the prosecution. **In Amresh Kumar Vs. State of Bihar BCCR 2002 PHC 33**, it has been held that in present changed crimeful society related witnesses are the only plausible witnesses who can give correct and vivid account of occurrence.

38. No doubt that there are minor discrepancies in the evidence of these PWs. It will be relevant to refer to the following observations of the Apex Court in the case of **State of Uttar Pradesh v. Krishna Master and Others**: Before appreciating evidence of the witnesses examined in the case, it would be instructive to refer to the criteria for appreciation of oral evidence. While appreciating the evidence of a witness, the approach must be whether the evidence of the witness read as a whole appears to have a ring of truth. Once that impression is found, it is undoubtedly necessary for the court to scrutinize the evidence more particularly keeping in view the deficiencies,

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drawbacks and infirmities pointed out in the evidence as a whole and evaluate them to find out whether it is against the general tenor of the evidence and whether the earlier evaluation of the evidence is shaken as to render it unworthy of belief. Minor discrepancies on trivial matters not touching the core of the case, hyper-technical approach by taking sentences torn out of context here or there from the evidence, attaching importance to some technical error committed by the investigating officer not going to the root of the matter would not ordinarily permit rejection of the evidence as a whole.

39. Minor omissions in the police statements are never considered to be fatal. The statements given by the witnesses before the police are meant to be brief statements and could not take place of evidence in the court. Small/Trivial omissions would not justify a finding by court that the witnesses concerned are liars. The prosecution evidence may suffer from inconsistencies here and discrepancies there, but that is a shortcoming from which no criminal case is free. The main thing to be seen is whether those inconsistencies go to the root of the matter or pertain to insignificant aspects thereof. In the former case, the defence may be justified in seeking advantage of incongruities obtaining in the evidence. In the latter, however, no such benefit may be available to it.

40. In the deposition of witnesses, there are always normal discrepancies, howsoever honest and truthful they may be. These discrepancies are due to normal errors of observation, normal errors of memory due to lapse of time, due to mental disposition, shock and horror at the time of occurrence and threat to the life. It is not unoften that improvements in earlier version are made at the trial in order to give a boost to the prosecution case, albeit foolishly. Therefore, it is the duty of the court to separate falsehood from the truth. In sifting the evidence, the court has to attempt to separate the chaff from the grains in every case and this attempt cannot be abandoned on the ground that the case is baffling unless the evidence is really so confusing or conflicting that the process cannot reasonably be carried out. In the light of

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these principles, this Court will have to determine whether the evidence of eyewitnesses examined in this case proves the prosecution case.

41. It could thus be seen that what is required to be considered is whether the evidence of the witness read as a whole appears to have a ring of truth. It has been held that minor discrepancies on trivial matters not touching the core of the case, hyper-technical approach by taking sentences torn out of context here or there from the evidence, would not ordinarily permit rejection of the evidence as a whole. It has been held that the prosecution evidence may suffer from inconsistencies here and discrepancies there, but that is a shortcoming from which no criminal case is free. What is important is to see as to whether those inconsistencies go to the root of the matter or pertain to insignificant aspects thereof. It has been held that there are always normal discrepancies due to normal errors of observation, normal errors of memory due to lapse of time, due to mental disposition, shock and horror at the time of occurrence. It is the duty of the court to separate falsehood from the truth in every case.

42. Applying these principles, this Court is of the view that the minor discrepancies in the evidence of the prosecution witnesses are not of such a nature which would persuade this Court to disbelieve their testimonies. It is further to be noted that the witnesses are rustic villagers and some inconsistencies in their depositions are bound to be there.

43. The accused is facing prosecution for the offence u/s- 341, 323, 324, 325, 498(A), 307, 326, 504, 506 IPC & 3/4 DP Act. The Court on the basis of evidences available on record finds that the demand of dowry is not specific. It is not clear when the demand was made and with whom. The father of the victim has stated before the Court that there was demand of one motorcycle by the accused Govind Das. However in his earlier statement u/s- 161 of Cr.P.C before the police he has not mentioned that there was any demand of motorcycle as dowry but had merely stated that there was demand of dowry. The Court therefore finds that there is no specific date, time and place when

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the demand was made and it is also not clear from whom it was made. It is only the victim Sadhana Devi who has stated that there was demand of dowry from her. The Court further finds that the victim in her cross-examination has stated that she lived peacefully for three years in her matrimonial house and the harassment torture, dowry demand started after the birth of her male child. It is also stated by her that she reported the matter to the Sarpanch but has not produced any person to corroborate the factum of her statement. Even the father and mother have not stated anything regarding Panchayati called by them on this point and did not produce any oral or documentary evidence in support of any such Panchayati. The demand of dowry therefore does not hold good in the eyes of law and the same is not proved against the accused. In the absence of any corroboration of evidence on point of dowry by the accused both the Sections u/s 3 and 4 of D.P Act stands not proved by the prosecution. As the victim herself has not stated regarding any medical treatment given to her due to physical assault by the accused or her father-in-law and mother-in-law. The harassment and torture was not of such magnitude as to force her to commit suicide. The prosecution therefore has not been able to prove the charge u/s 498(A) of the IPC against the accused Govind Das @ Faudari. He is accordingly held not guilty of the offence charged u/s 498(A) of IPC and 3/4 DP Act.

44. The offence charged u/s-324, 325, 326 of IPC correspond to Section 118(1), 117(2) and 118(2) of B.N.S. Section 118(1) is related with voluntarily causing hurt or grievous hurt by dangerous weapons or means- Whoever, voluntarily causes hurt by means of any instrument for shooting, stabbing or cutting, or any instrument which, used as a weapon of offence, is likely to cause death, or by means of fire or any heated substance or by means of any poison or any corrosive substance, or by means of any explosive substance, or by means of any substance which it is deleterious to the human body to inhale, to swallow, or to receive into the blood, or by means of any animal, shall be punished with imprisonment of either description for a term which

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may extend to three years, or with fine which may extend to twenty thousand rupees, or with both. In the present case the allegation against Govind Das that he assaulted his wife Sadhana Devi with knife, scissors and sword all sharp cutting weapons but any such corresponding injury was not found by PW-5 and PW-6 two doctors who examined her on the same date of occurrence. This is not a case where no medical examination was done and as per injury report, there was no injury by sharp cutting weapon and therefore it cannot be said with certainty that the injury was caused by sharp cutting weapon. As per doctor swelling at eye can be caused by insect bite or by any disease. The doctor had found blood from ear but no injury was detected in the ear. Furthermore the doctor has stated that vomiting can be caused by stomach disturbance. Semiconscious also can be caused by many reasons. The Court therefore finds none of the injuries were caused by sharp cutting or dangerous weapons. Therefore the offence charged u/s 324 IPC(118(1) BNS) stands not proved against the accused Govind Das is accordingly held not guilty of the offence charged under this section.

45. Now coming to the Section 325 of IPC (117(2) of BNS) Whoever, except in the case provided for by sub-section (2) of section 122, voluntarily causes grievous hurt, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine. Here again the Court that as per injury report of victim Sadhana Devi finds that there was found no grievous hurt on her persons by the two doctors PW-4 and PW-5 and therefore in the absence of any grievous hurt reported by the doctor the prosecution is found to have failed in proving the charge against the accused beyond all reasonable doubts. In the end the accused is held not guilty of the offence charged under section 325 of IPC(117(2) of BNS).

46. For better appreciation the Court finds it necessary to go through both the definition of hurt and grievous hurt "**Hurt**" - The term "hurt" simply means performing an act which leads to physical pain, injury or any disease

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to a person. At times, hurt may be caused voluntarily or it can be caused by using dangerous weapons or means, hurt caused voluntarily through dangerous weapons fall under section 324 IPC(118(1) of BNS).

Grievous hurt:-

The following kinds of hurt only are designated as "grievous", namely:-

- (a) Emasculation;
- (b) Permanent privation of the sight of either eye;
- (c) Permanent privation of the hearing of either ear,
- (d) Privation of any member or joint;
- (e) Destruction or permanent impairing of the powers of any member or joint;
- (f) Permanent disfiguration of the head or face;
- (g) Fracture or dislocation of a bone or tooth;
- (h) Any hurt which endangers life or which causes the sufferer to be during the space of fifteen days in severe bodily pain, or unable to follow his ordinary pursuits.

47. Section 326 of IPC (118(2) of BNS) relates to voluntarily causing grievous hurt by dangerous weapons or means- Whoever, except in the case provided for by sub-section (2) of section 122, voluntarily causes grievous hurt by any means referred to in sub-section (1), shall be punished with imprisonment for life, or with imprisonment of either description for a term which shall not be less than one year but which may extend to ten years, and shall also be liable to fine.

48. The court in the present case finds that as per injury report of PW-4 and PW-5 the doctors who examined the victim Sadhana Devi there is absolutely lack of injury which can be construed as grievous. The injuries found by the doctor on the person of injured Sadhana Devi did not correspond to assault by dangerous weapon nor grievous in nature. The Court therefore comes to the conclusion that the prosecution has not been able to

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prove the charge of offence u/s 326 of IPC (118(2) BNS) against the accused Govind Das beyond all reasonable doubts. He is therefore held not guilty of the offence charged u/s 326 of IPC (118(2) BNS).

49. The offence u/s- 307 of IPC[109(1) of BNS] relates to attempt to murder-Whoever does any act with such intention or knowledge, and under such circumstances that, if he by that act caused death, he would be guilty of murder, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine; and if hurt is caused to any person by such act, the offender shall be liable either to imprisonment for life, or to such punishment as is herein before mentioned. (2) When any person offending under sub-section (1) is under sentence of imprisonment for life, he may, if hurt is caused, be punished with death or with imprisonment for life, which shall mean the remainder of that person's natural life. The Court on the basis of materials available on record finds that though the victim Sadhana Devi has stated that she was assaulted with scissors, knife and sword which are all sharp cutting weapon but the corresponding injury as per PW-4 and PW-5 two doctors who examined Sadhana Devi on the same date of occurrence in their injury reports have not mentioned any injury by sharp cutting weapon nor has mentioned any grievous injury. The Court further finds that the injuries were not on any vital part of the body or not sufficient to cause death. The injuries found on left eye, right eye, bleeding from ear, semiconscious and vomiting are not of such nature that can be termed as fatal for life, there is no repetition of blow which shows that there was no intention to commit or to attempt to murder Sadhana Devi. The father and mother of the victim are not the eye-witnesses and the IO is also not a witness of fact. The Court therefore comes to the conclusion that the prosecution has not been able to prove the charge against the accused beyond all reasonable doubts. The accused Govind Das is accordingly held not guilty of the offence charged u/s- 307 of IPC[109(1) of BNS)].

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50. The offence u/s 504 of IPC (352 of BNS) relates to intentional insult with intent to provoke breach of peace-Whoever intentionally insults in any manner, and thereby gives provocation to any person, intending or knowing it to be likely that such provocation will cause him to break the public peace, or to commit any other offence, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both. The court finds that for conviction under this section it is necessary that the words (used by the accused as provocation must be brought on record). In the absence of any such word either in the charge or in the deposition of witnesses conviction cannot sustain. The Court finds that no word used as abuses has been brought on record either in the FIR or in the charge or in the deposition of witnesses and therefore it is clear that the prosecution has failed to prove the charge under section 504 IPC (352 of BNS) against the accused Govind Das. He is accordingly held not guilty for offence under section 504 IPC (352 of BNS).
51. The offence u/s-506 IPC (351(2)(3) of BNS) relates to punishment for criminal intimidation-Whoever commits the offence of criminal intimidation shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both. Whoever commits the offence of criminal intimidation by threatening to cause death or grievous hurt, or to cause the destruction of any property by fire, or to cause an offence punishable with death or imprisonment for life, or with imprisonment for a term which may extend to seven years, or to impute unchastity to a woman, shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both.
52. To understand in a better way Section 503 of IPC (351(1) of BNS) is important to quote- Criminal intimidation- Whoever threatens another by any means, with any injury to his person, reputation or property, or to the person or reputation of any one in whom that person is interested, with intent to cause alarm to that person. or to cause that person to do any act which he is

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not legally bound to do, or to omit to do any act which that person is legally entitled to do, as the means of avoiding the execution of such threat, commits criminal intimidation.

53. In the case at hand the Court finds that the accused Govind Das assaulted his wife Sadhana Devi causing injuries at right eye swelling, left eye pupil dilated, bleeding from left ear, both leg swelling with semi consciousness and vomiting. It is also alleged by the victim that the accused husband inserted scissors inside her private parts. Though the same has not been mentioned in the injury reports but the prosecution witnesses have supported the victim's statement and the defence own witness has stated about insertion of scissors inside her private parts albeit differently to save the accused. The witness during cross-examination has stated that the scissors was taken out from inside the private part of victim Sadhana Devi by a doctor. Such perverse assault by the accused amounts to impute unchastity to a woman. A wife is a woman first. The law does not enjoin a person to assault a woman not even to his wife. Such deplorable act should not go unpunished and is required to be dealt with strictly. The father and mother of victim when reached at the matrimonial house of their daughter, they found Sadhana Devi lying in injured condition in the courtyard of her house. The informant with the help of Jhajha Police took her daughter Sadhana Devi to Referral Hospital Jhajha for treatment. The incident occurred within the four walls of house and the accused u/s-106 of Indian Evidence Act was required to explain what transpired on the alleged date and time of occurrence. The incriminating evidences against him when were put before during recording of his statement u/s-313 of Cr.P.C [351 of BNSS], he did not offer any explanation and merely stated the occurrence to be false. Mere denial does not absolve him from the guilt of commission of offence alleged. As per Id. Prosecutor, the criminal intimidation did not stop here but the victim Sadhana Devi during trial was again threatened by her father-in-law and mother-in-law who asked her not to give evidence before the Court in this case. Such criminal

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intimidation has made the life of Sadhana Devi and her little son very miserable who are forced to live in the house of her parents since the alleged date of occurrence. In view of the evidences available on record and the facts discussed above the Court finds that the prosecution has proved the charge of criminal intimidation against the accused Govind Das beyond all reasonable doubts. He is accordingly held guilty of offence charged u/s 506 IPC [351 (3)] of BNS.

54. The offence u/s-341 of IPC corresponding to 126(2) of BNS is related with Wrongful restraint- Whoever wrongfully restrains any person shall be punished with simple imprisonment for a term which may extend to one month, or with fine which may extend to five thousand rupees, or with both. Wrongful restraint means obstruction to any persons so as to prevent that person from proceeding in any direction in which that person has a right to proceed. In the present case the injured victim Sadhana Devi was inside the house as per the FIR where her husband came in drunken state and assaulted her with scissors, knife, sword and axe thereby obstructing her movement from escaping in any direction. She therefore was wrongfully restrained by the accused Govind Das. The father and mother when reached at the matrimonial house of Sadhana Devi she was lying in an injured condition in the courtyard of her house. The prosecution has proved the charge of wrongful restrain against the accused Govind Das beyond all reasonable doubts. He is accordingly held guilty of the offence charged u/s- 341 of IPC [126(2) of BNS].

55. Lastly the offence u/s-323 of IPC[115(1) of BNS] relates to punishment for voluntarily causing hurt- Whoever, except in the case provided for by sub-section (1) of section 122 voluntarily causes hurt, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine which may extend to ten thousand rupees, or with both. "**Hurt**"- simply means performing an act which leads to physical pain, injury or any disease to a person. In the preset case there is allegation

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against the accused Govind Das that he assaulted his wife Sadhana Devi with scissors, knife, sword and axe and also inserted scissors inside her private part. The father and mother of the injured Sadhana Devi have also stated the same injuries upon the person of Sadhana Devi. However PW-4 and PW-5 the doctors at Jhajha Referral Hospital and Sadar Hospital have found injuries (i) Semiconscious, (ii) Bleeding from left ear, (iii) Right eye swelling and (iv) Vomiting, (v) Right eye swelling, (vi) Left eye pupil dilated, (vii) Both leg swelling with old blood clots which is sufficient to prove that Sadhana Devi was assaulted by her husband Govind Das. The date, time and place of occurrence has been corroborated by all the witnesses and are consistent in their testimonies which the defence could not demolish. The identity of the accused is also not doubtful. The prosecution has proved the charge of voluntarily causing hurt to Sadhana Devi by the accused Govind Das beyond all reasonable doubts. He is accordingly held guilty of offence charged u/s-323 of IPC [115(2) of BNS].

ORDER

56. In the result, accused Govind Das alias Faudari Das, son of Vishwanath Das, resident of Village- Baliyadh, PS-Jhajha, District-Jamui is held guilty, and convicted for the charge of offence u/s-341/323/506 of IPC [126(2)/115(1)/351(2)(3) of BNS] in this case. He is held not guilty and acquitted of offences charged u/s 324/325/326/307/498(A)/504 of IPC [118(1)/172(2)/118(2)/109(1)/85/352 of B.N.S]. The accused Govind Das is already in judicial custody. The accused is given an opportunity for hearing on question of sentence. Put up the case record on 29.04.2026 for hearing on the question of sentence.

Dictated, corrected, signed and pronounced by me in the open Court.

(Sudhir Sinha)
Dist. & Addl. Sessions Judge-II
Jamui.
23.04.2026

(Sudhir Sinha)
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IN THE COURT OF DISTRICT & ADDITIONAL SESSION JUDGE-II JAMUI
Session Trial No. 103/2024, CIS No.103/2024
(Jhajha P.S case no.-235/2023)

Present :- Sudhir Sinha

Order on point of sentence:

57. Today, the case record is fixed for hearing on the point of sentence. Convicted Govind Das @ Faudari is physically present in the Court. Since accused has been held guilty for the offence u/s-323, 341, 506 of the IPC[corresponding to Section 115(1), 126(2), 351(3) of BNS] and accordingly he is convicted thereunder vide Judgment dated 23.04.2026. Sri Mukesh Kumar Yadav, the Learned Counsel for the convict Govind Das and Sri. Manoj Kumar Singh the learned Addl.P.P. for the State are present in the Court. Heard the Id. Counsels on point of sentence.
58. Ld. Counsel for the convict has submitted that convict belongs to a very poor family, and works as labour. Further, convict is a young person aged about 28 years and has a future ahead. He has no prior criminal antecedent at all. The convict has never tried to disturb or delay the Court proceedings. It is further submitted that the convict is sole bread earner of his family, has old parents, wife and child to look after. This case has arisen out of dispute between husband and wife and therefore the Id. Counsel prayed to impose minimum sentence upon the convict.
59. The Ld. Addl. P.P., on the other hand submitted that a firm, deterrent and exemplary sentence should be awarded to the convict because the facts and circumstance of this case clearly go to show the brutality of his criminal act. The convict in view of the gruesome and barbaric assault upon his wife, does not deserve any leniency and should be punished harshly so as to set an example in the society. The Ld. Addl.P.P. has further submitted that the prime object of criminal justice delivery system is the protection of society from crime, and deterring the criminal which can be achieved only by imposing an appropriate sentence. The Ld. Addl.P.P. has further argued that the convict has committed an offense against a woman(his wife) which affects the society at large. Hence, in order to regain the faith of the people in criminal justice delivery system, the convict must be awarded maximum sentence.

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60. I have heard both the sides on the point of sentence, considered the rival contentions, and perused the case record, as also the punishment provided u/s 341, 323 and 506 of the IPC. The offence u/s 341 IPC [126(2) BNS] is punishable with simple imprisonment for a term which may extend to one month or with fine which may extend to five thousand rupees or with both; the offence u/s 323 IPC [115(1) BNS] is punishable with imprisonment of either description for a term which may extend to one year or with fine which may extend to ten thousand rupees or with both while offence u/s 506 IPC [351(2) (3)BNS] carries a punishment with imprisonment of either description for a term which may extend to two years, or with fine, or with both. Whoever commits the offence of criminal intimidation by threatening to cause death or grievous hurt, or to cause the destruction of any property by fire, or to cause an offence punishable with death or imprisonment for life, or with imprisonment for a term which may extend to seven years, or to impute unchastity to a woman, shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both. In the light of submissions made by the Id. Addl. P.P for the State as well as Id. Counsel for the convict, the question that has arisen now for consideration is, what should be the sentence awarded to the convict.
61. The Court finds that nothing has been brought on record by the prosecution to prove that the convict was earlier also sentenced. The convict is a young person aged out 28 years, has a family to look after and has a future ahead. Accordingly in the given facts and circumstances of this case taking into account all the details of this case, and the resultant finding mentioned above, convict namely Govind Das @Faudari to undergo simple imprisonment for a term of one (1) month and fine of Rs. 3000/- (In case of default in payment of fine, the convict shall undergo a further period of one (1) week Simple Imprisonment in addition to the sentence.) for offence u/s 341 IPC [126(2) BNS]. The Convict Govind Das to undergo rigorous imprisonment for one (1) year and fine of Rs. 5000/- (In case of default in payment of fine, the convict shall undergo a further period of Three (3) Months Simple Imprisonment in

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addition to the sentence) for offence u/s-323 of IPC [115(1) of BNS]. Further the convict Govind Das to under go rigorous imprisonment for Three (3) years and a fine of Rs. 5000/- for offence u/s-506 of IPC[351(3) of BNS]. In case of default in payment of fine, the convict shall undergo a further period of six (6) Months Simple Imprisonment in addition to the sentence. All the sentences to run concurrently. The period already undergone in custody by the Convict in connection with this case shall be set off as per the provisions of section 468 B.N.S.S and other Rules & Provisions.

62. The convict is hereby informed that he has the right to prefer an appeal against this judgment before the Hon'ble High Court, Patna. He is hereby apprised that in case he can not afford to engage an advocate, he is entitled for legal aid. Considering the physical and mental trauma undergone by the victim of this case, it is hereby recommended that the compensation in terms of Section 395 of the B.N.S.S be paid to the victim, who falls within the definition of victim under section 2(1)(y) of the B.N.S.S. Let a copy of this judgment be forwarded to the Secretary, District Legal Services Authority, Jamui, for verification of the victims, and to take appropriate steps for deciding the quantum of compensation to be awarded to the victim in terms of Section 396-A (2) & (5) of the B.N.S.S. The convict is remanded to jail with Conviction Warrant to serve his period of sentence. Accordingly, the Office is directed to prepare Conviction Warrant. Let a Copy of this judgment, and order of sentence be furnished to the Convict free of cost, in compliance of Section 404 B.N.S.S. Further, let a copy of this judgment and order of sentence be sent to the District Magistrate, Jamui (Bihar), for information and needful, in compliance of Section 406 of B.N.S.S. File be consigned to Record Room, after necessary compliance as per provisions.

Dictated and corrected by me:

(Sudhir Sinha)
Distt. & Addl. Sessions Judge-II
Jamui.
29.04.2026

(Sudhir Sinha)
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Accused Details

Rank of the Accused	Name of Accused	Date of arrest / Date of Remand	Date of release on bail	Offences charged with	Whether Acquitted or Convicted	Sentence imposed	Period of detention undergone during trial for purpose of section 428 Cr. P.C.
1.	Govind Das	18.05.2023	In custody	341, 323, 324, 325, 498A, 307, 326, 504, 506 IPC & 3/4 Dowry Act	Convicted	Govind Das, to undergo Simple Imprisonment for a term of one (1) month, and a fine of Rs. 3000/- (three thousand only) for offence u/s 341 of I.P.C [126(2) BNS]. In case of default in payment of fine, the convict shall undergo a further period of one (1) week Simple Imprisonment in addition to the sentence. The convict Govind Das to undergo Rigorous Imprisonment for one (1) year and a fine of Rs 5,000 (Five thousand only) for offence u/s 323 IPC [115(1) of BNS]. In case of default in payment of fine, the convict shall undergo a further period of three (3) Months Simple Imprisonment in addition to the sentence. The convict Govind Das to undergo R.I for three (3) years and a fine of Rs 5000/- (Five thousand only) for offence u/s 506 IPC [351 (3) of BNS]. In case of default in payment of fine, the convict shall undergo a further period of Six (6) Months Simple Imprisonment in addition to the sentence. All the sentences to run concurrently. The period already undergone in custody in connection with this case (if any) during trial by the Convict shall be set off as per the provisions of section 428 Cr.P.C. and other Rules & Provisions.	2 years 11 months, 5 days

Date of Judgment/Order	29.04.2026
Date of Reserving/Order	23.04.2026
Uploading Date	29.04.2026
Uploaded by	Ankit Raj, Court Reader cum D.W