

IN THE COURT OF DISTRICT & ADDITIONAL SESSION JUDGE-II, JAMUI
Session Trial No. 98/2017, CIS No. 98/2017
(Jamui P.S case no.-288/2012)

Present :- Sudhir Sinha

Present:-

Sudhir Sinha

District & Addl. Sessions Judge-II
Jamui

Date of Judgment:- 27.04.2026

S.Tr. No.-98/2017

Police Station :-

Chakai

PS Case No. :-

288/2012

Under Section :-

341/323/324/325/307/379 IPC

State (Through *Informant Munna Khatun*)

..... Prosecution.

V.

Ganesh Tanti

.....Accused

Counsel for the State:-

Sh. Manoj Kumar Singh, Addl.P.P.

Counsel for the Defence:-

Sh. Sunil Singh, Advocate

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FORM B

Date of Offence	17.10.2012
Date of F.I.R.	17.10.2012
Date of Framing of charge	02.05.2017
Date of commencement of evidence	05.06.2017
Date on which judgment is reserved	21.04.2026
Date of the judgment	27.04.2026
Date of the sentencing order, if any	--

Accused details:

Rank of the accused		
Name of the accused/ Date of arrest.	Ganesh Tanti Vijay Tanti	Bail on surrender Bail on surrender
Date of release on bail	Ganesh Tanti Vijay Tanti	05.11.2012 25.07.2014
Offences Charged with	Ganesh Tanti Vijay Tanti	341/323/324/325/307/379 /447/504/34 IPC
Whether acquitted or convicted	Ganesh Tanti Vijay Tanti	Acquitted His trial was dropped on account of his death.
Sentence imposed	----	
Period of detention undergone during trial for purpose of Section 428 Cr.P.C.	Ganesh Tanti	-

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FORM C

A. Prosecution

Rank	Name	Nature of evidence
PW-1	Md. Taiyab	Son of informant
PW-2	Shabana Khatoon	Daughter-in law of informant
PW-3	Islam Alam	Grandson of informant
PW-4	Jainab Khatoon @ Munna Khatoon	Informant

B. Defence witnesses, if any:

Rank	Name	Nature of evidence
DW-1	None	None

C. 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	Nil

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 Ganesh Tanti stands tried for wrongfully restraining Munna Khatun and his family, voluntarily causing hurt to them and causing assault with attempt to murder by Khanti and also for theft of gold chain of weight 1½ bhar, allegedly on 17th October 2012 in the morning at Village Nabinagar, PS-Jamui, District-Jamui.
2. The prosecution case in brief is that on the basis of fardbyan of Munna Khatun, the Jamui PS Case No.-288/2012 dated 17.10.2012 was registered u/s-341, 323, 324, 325, 307, 379 IPC against accused Vijay Tanti and Ganesh Tanti wherein she has stated that on 17.10.2012 when she had come to his house from field, she saw that ladies of Ganesh tanti's house were quarreling with her daughter-in-law near her door. She tried to pacify the matter. Upon her intervention Vijay Tanti, Ganesh Tanti and Maso devi came there and started abusing her. Upon her objection Vijay Tanti assaulted her with Khanti at her head with intention to kill her, causing serious injury. She fell down on ground and it started bleeding. His son came to save her upon shouting and tried to stop the fighting. Ganesh Tanti who was having lathi in his hand assaulted at his right leg, causing fracture of his leg. After that above mentioned three accused persons assaulted both persons by slaps and bricks. Upon shouting near by people came, then the accused persons stopped fighting. The gold chain weighing 1½ bhar of informant was snatched by Vijay Tanti in course of fighting. The reason behind the dispute was quarrel between the children.
3. The I.O after investigation submitted the charge sheet no 85/2014 dated 29.08.2014 against the trial facing accused. Accordingly cognizance for

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offence u/s- 341/323/324/325/307/379/504/34 IPC was taken and the record after commitment was received in the Session Division as S.Tr.No-98/2017.

4. The charges against the both the accused persons were framed on 02.05.2017 for offences u/s- 341/323/324/325/307/379/447/504/34 IPC to which they pleaded not guilty and claimed to be tried. The trial of Vijay Tanti was dropped on account of his death vide order dated 22.01.2025. The present trial proceeded for accused Ganesh Tanti only. The prosecution evidence was closed on 10.04.2026 and the statement of accused was recorded u/s-313 of Cr.P.C wherein he denied the evidences against him and pleaded innocence. On written submission of defence their evidence was closed and after hearing the arguments from both parties the record is today fixed for Judgment.

5. The point 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 accused has produced PW-1 Md. Taiyab, PW-2 Shwana Khatun, PW-3 Islam Alam, PW-4 Jainab Khatoon@Munna Khatoon. There is no document as proved and exhibited on part of prosecution. The defence on the other hand has not produced any evidence either oral or documentary in its support.

7. PW-1 Md. Taiyab has stated in his examination-in-chief that the incident occurred on Oct, 2012 at about 1:00 in the noon. At that time he, his mother and wife were at their house. Vijay Tanti and Ganesh Tanti came at their house and started quarreling. He, his mother, and wife sustained injury. All the injured persons were treated upon at Sadal Hospital, Jamui. Police came at hospital and recorded the statement of his mother upon which she had put her thumb impression on the basis of which this case was lodged. Police recorded his statement. He has identified the accused present before the Court and told that accused Vijay Tanti has died.

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8. During cross-examination he has stated that due to crowd he could not see who were fighting. He could not even see who had assaulted his mother and wife. Lastly in para-4 he has stated that he identified the accused as being his villager.
9. PW-2 Shwana Khatoon has stated in her examination-in-chief that the incident occurred in the 10th month of year 2012 at about 1:00 in the noon. At that time she, her husband and mother-in-law were at her house. Accused Ganesh Tanti and Vijay Tanti came and started quarrelling due to which they sustained injury. Police came and recorded the statement of her mother-in-law upon which she had put her thumb impression on which this case was lodged. Police later recorded her statement.
10. During cross-examination she has stated that due to crowd she could not see who was assaulted her. She could not even see who had assaulted her mother-in-law and her husband. Police had not inquired her. She identified the accused as being villager. Lastly in para-4 she has stated to have identified the accused as being her villager. There is cordial relation between both parties and now there is no dispute between them.
11. PW-3 Md. Islam Alam has stated in his examination-in-chief the incident occurred 13 years ago at about 1:00 in the noon. His Grand mother Munna Khatun had lodged case against Ganesh Tanti and Vijay Tanti. An altercation took place between his grand mother and Ganesh Tanti, Vijay Tanti. He and his grand mother sustained injury and were treated upon at Jamui Sadar Hospital. He has identified the accused Ganesh Tanti and told that Vijay Tanti has died.
12. During cross-examination he has stated that he did not know how he and his grand mother were injured. The accused persons neither assaulted him nor his grand mother. He has stated to have deposed voluntarily without any fear or coercion. Lastly in para 5 he has stated to have identified the accused as being his villager.

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13. PW-4 Jainab Khatoon alias Munna Khatoon who is informant of this case has stated in her examination-in-chief that the incident occurred 10-12 years ago at about 10:00 in the morning. She was at her house. There was an altercation between her and Ganesh Tanti, Vijay Tanti in which her son Taiyab, daughter-in-law Shabana, grand son Islam were injured. All the injured persons were treated upon Sadar Hospital Jamui. Police came at hospital and recorded her statement upon which she had put her thumb impression. She has identified the accused Ganesh Tanti and told that Vijay Tanti has died.
14. During cross-examination she has stated that the accused Vijay Tanti had also filed counter case against her in which compromise has also been filed and on the basis of compromise case has been disposed off. In para-4 she has stated that there has been a compromise with accused in this case and she does not want to contest this case. In para-5 she has stated that due to crowd she can not say who had assaulted them. She and accused persons have their house at the same place. Lastly in para 7 she has stated to have deposed voluntarily without any fear or coercion.
15. The accused has completely denied the evidences against him in his statement under section 313 of the Cr.P.C and has pleaded innocence.
16. The Court on the basis of evidences available on record finds that there is no material against the accused that proves guilt of the accused in commission of the offences alleged. The informant herself has stated that due to crowd she did not see who was assaulted her and her family. There has been a compromise with accused. The Court finds that in the instant case the charge was framed on 02.05.2017 and the prosecution evidence was closed on 10.04.2026. The prosecution could not produce even the I.O and doctor before the Court. The prosecution was thus given more than sufficient opportunity of almost 8 years to produce the witnesses. The prosecution could bring on record PW-1, PW-2, PW-3 and informant PW-4 who have not supported the case of prosecution. The prosecution thus has no leg to stand on

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its own. The accused in this case is facing prosecution for offence u/s- 341/323/324/325/307/379/447/504/34 IPC but none of them stand proved. As the prosecution has failed to prove the charges against the accused is held not guilty of the offences charged u/s- 341/323/324/325/307/379/447/504/34 IPC.

ORDER

17. The accused Ganesh Tanti son of Late Kinnu Tanti resident of village Nawinagar, PS-Jamui, District-Jamui is hereby acquitted of all charges u/s- 341/323/324/325/307/379/447/504/34 IPC in this case. He is on bail, hence he is discharged from the liability of his bail bond. However in terms of Section 437(A) Cr.P.C. he is directed to furnish personal bond in the sum of Rs. 10,000/- Pursuant to compliance of Section 437(A) Cr.P.C. the file be consigned to the Record Room.

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

(Sudhir Sinha)
Dist. & Addl. Sessions Judge-II
Jamui.
27.04.2026

(Sudhir Sinha)
Dist. & Addl. Sessions Judge-II
Jamui.
27.04.2026

Date of Judgment/Order	27.04.2026
Date of Reserving/Order	21.04.2026
Uploading Date	27.04.2026
Uploaded by	Ankit Raj, Court Reader cum D.W