

(Sessions Trial No. 159 of 2021)
In the court of Sri Sanjay Kumar Sinha-II, DAJ-II, Jehanabad

District: Jehanabad

In

The Court of District & Additional Sessions Judge-II, Jehanabad

Present:-
Sanjay Kumar Sinha-II
Dist & Addl. Sessions Judge-II,
Jehanabad

Sessions Trial No- 390 of 2022
CIS Registration No- 390 of 2022
Ghosi PS Case No. 39 of 2020

Jehanabad, dated the 16th day of April, 2026

(1) State through Rizwana Parween, aged about 21 years, S/o Faquddin Ansari, R/o Vill-Kumardih, PS Makhdumpur, Dist Jehanabad

.....Prosecution

Vs

(1) Savina Khatoon, aged about 42 years, W/o Guddu Miyan @Md. Imam Sarwar, R/o vill Kumardih, PS Makhdumpur, Dist. Jehanabad.

.....Accused Persons



This case was committed to the court of sessions vide order dated 23.05.2022 passed by the court of SDJM, Jehanabad arising out of Jehanabad(Mahila) PS Case No. 39 of 2020, Gr. No. 1997 of 2020; Cognizance under Sections 376, 493, 341, 323, 504/34 of the IPC).

Charge framed under Sections 376, 493, 341, 323, 504/34 of the IPC.

Counsel for the Prosecution:- Md. Afaque Alam,.....Ld. A.P.P.

Counsel for the Defence:- Sri Bhushan Prasad,.....Ld. Adv.

J U D G M E N T

1. The sole accused, namely, Savina Khatoon of this case stands charged for the offences punishable under Section 376, 493, 341, 323, 504/34 of the IPC.

2. The brief case of the prosecution as per the *written report* of the informant Rizwana Parween alleging therein that Md. Tahir Alam her co-villager had enticed into physical relation with the informant which continued for about 2 years and he also kept on moving to several places on the pretext of marriage. She further alleged that such movement can be verified from the CDR of Mobife no. 7273903190 and 7991167960. On dt. 16.09.2020 when she demanded to get married according to rites and ritual, then the accused Md. Tahir Alam flatly refused. It is further alleged that when the informant complained about Md. Tahir Alam's refusal for marriage to his parents then they got infuriated and instead of sympathizing with her, they threatened that she can complain whenever she wants, nothing can harm them. She further states that the accused's parents were aware of their relation since long. Accordingly, the FIR has been registered.

3. On the basis of the written report of the informant Rizwana Parween, Jehanabad (Mahila) PS Case No. 39 of 2020 was registered for the offences punishable under Sections 376/34 of the IPC against the accused-persons, Tahir Alam, Guddu Miyan and Savina Khatoon pursuant to which, investigation commenced and after completion of investigation, the IO submitted Charge Sheet bearing No. 79 of 2021 dated 30.06.2021, for the offences punishable under Sections 341, 323, 376, 493, 504/34 of the IPC against the sole accused Savina Khatoon which cognizance was also taken by the Id. Court below for the offences punishable under Sections 341, 323, 376, 493, 504/34 of the IPC and the case record was committed on dated 23.05.2022 to the Court of Sessions from where the case was ultimately transferred to this Court for trial and disposal.

4. On appearance of the accused, Charge has been framed for offences under Sections 341, 323, 376, 493, 504/34 of the IPC, by the Court of Sessions and the charge has been read over and explained to her in Hindi to which she denied the allegations and claimed to be tried.

5. After closure of prosecution evidence, the statement of the accused was recorded u/S 313 CrPC to which she again denied the allegations and pleaded not guilty.

F I N D I N G S

6. In order to prove its case, the prosecution has been able to adduce altogether six witnesses namely, PW-1 Alka Soni, PW-2 Mohan Singh, PW-3 Rizwana Parween (informant of this case), PW-4 Md. Bassuriddin, PW-3 Resa Khatun and PW-4 Faquaruddin Miyan.

Apart from these, the prosecution has also produced and exhibited the followings documents:-

- I. P-1/PW-1 - written report of informant Rizwana Parween under the pen and signature of SHO Alka Soni.
- II. P-2/PW-1 - Signature of the SHO Alka Soni upon the formal FIR.
- III. P-3/PW-1 - Signature of the SHO Alka Soni upon the charge sheet no. 79/2021 dt. 30.06.2021.
- IV. P-4/PW-2 - signature of PW-2 upon the statement of the informant under Section 164 Cr.P.C.
- V. P-5/PW-2 - Signature of PW-2 upon the seizure list of seized mobile phone.
- VI. P-6/PW-3 - signature of the informant upon the written statements.

7. **PW-1** is Alka Soni who is the SHO-cum-investigation officer of this case. This witness has supported the case of the prosecution and has stated in her examination-in-chief that on dt. 13.11.2020, she was posted as SHO on the Jehanabad Mahila Police Station. On that day informant Rizwana Parween came and gave a written application and on the basis of the application an FIR bearing FIR No. 39/2020 has been registered under Section 376/34 IPC dt. 13.11.2020. It is further stated that the endorsement upon the written report is under her pen and signature which has been identified and exhibited as Ext. P-1/PW-1. It has further been stated that the formal FIR also under her pen and signature which has been marked as Ext. P-2/PW-1. Further, it has been stated that after lodging the FIR, charge of investigation was handover to the SI Mohan Singh. Due to some reasons SI Mohan Singh was departmentally suspended and thereafter on dt. 24.06.2021 he himself took over the charge of investigation. Thereafter, on the basis of perusal of the case diary, evidence available on the case diary and judicial custody of the accused Savina Khatoon submitted charge sheet bearing charge sheet no. 79/2021 dt. 30.06.2021 under Section 376, 493, 341, 323, 504/34 of the IPC against the sole accused Savina Khatoon. Further, it has been stated that chargesheet no. 79/2021 dt. 30.06.2021 is under her pen and signature



which has been marked as Ext. P-3/PW-1. Further, this witness has identified the accused Savina Khatoon who is present in the dock during her evidence.

During the course of cross-examination, this witness has stated that "मैंने अनुसंधान का कार्यभार दिनांक 24.06.2021 को ग्रहण किया था। अनुसंधान कार्यभार ग्रहण करने के बाद मैंने किसी साक्ष्य का गवाही नहीं लिया।(para 6)" "लड़का और लड़की के बीच बातचीत का कॉल डिटेल अप्राप्त है।(para 7)" "ऐसी बात नहीं है कि मैंने त्रुटिपूर्ण अनुसंधान किया और वरीय पदाधिकारी के आदेशानुसार आरोप पत्र समर्पित किया।"

8. PW-2 is Mohan Singh who is the investigation officer of this case. This witness has supported the case of the prosecution and has stated in his examination that on dt 13.11.2020, he was posted as Sub Inspector at the Jehanabad Mahila Police Station, Jehanabad. On that day, he was given the charge of investigation of the Ghosi PS Case No. 39/2020 by the SHO, Mahila Police Station, Jehanabad. After taken over the charge of the investigation, he took the re-statement of the informant and then the statements of witnesses Aisa Khatun, Mohammad Wasir Ansari and Fakruddin Ansari. All the witnesses supported the incident. Thereafter, he inspected the PO, there are three rooms in the house and there was a wooden door. The boundary of the PO is as follows: in the north is the house of Majru Miya, in the south is the road, in the east is the one-storey house of Moiuddin and in the west is the fallow land of Safaruddin. Further, he received the medical report of the informant and also receives observation notes from senior officer. Further, this witness has stated that a black colored mobile of Vivo company was recovered for which a seizure list of the recovered mobile was prepared which bears his signature and which has been identified and exhibited P-5/PW2.- Further, he stated that the statement of informant under Section 164 Cr.P.C. was recorded which bears his signature and which has been identified and marked as Exhibit P-4/PW2. 7. Thereafter, he was suspended due to which the charge of investigation of the case was handed over to the police station in-charge Alka Soni along with the documents. Further, this witness has claimed to identify the accused Savina Khatoon, who is present in the dock during his evidence.

16.4.2021



During the course of his cross-examination, this witness has stated that "मुझे अनुसंधान का कार्यभार दिनांक 13.11.2022 को मिला था जिसका समय अंकित नहीं है।(para 9)" "अनुसंधान का कार्यभार मिलने के बाद सबसे पहले वादी के घर कुमरडीह गया या जिसका समय अंकित नहीं किया है। कुमरडीह पहुंचने के बाद सर्वप्रथम मैंने वादिनी का बयान लिया। वादिनी के बयान का समय अंकित नहीं किया है।(para 10)" "घटनास्थल का जांच वादिनी का बयान लेने के बाद उसी दिन मैंने किया था। मैं उसी दिन घटनास्थल की जांच और सभी गवाहों का बयान लिया था।(para 11)" "बसीर अंसारी मुददई का भाई है। आईसा खातुन लड़की की मा है। अफरुदिन अंसारी लड़की का पिता है। इन तीनों गवाही को छोड़

कर किसी स्वतंत्र गवाह का बयान मैंने नहीं लिया था।(para 12)” “दिनांक 27.07.2020 से दिनांक 25.08.2020 तक अलग-अलग तिथियों में 20 बार वादीनी का मोबाईल नं० 7273903190 और लड़का का मोबाईल 9142836991 के बीच बातचीत हुआ है। अलग-अलग तिथियों में बातचीत हुआ जिसका कॉल डिटेल कांड दैनिकी के साथ सलग नहीं किया।(para 13)” “ऐसी बात नहीं है कि वरीय पदाधिकारी के निर्देशानुसार मैंने त्रुटिपूर्ण अनुसंधान किया।(para 14)”.

7. PW-3 is Rizwana Parween, who is the informant of this case. This witness has roughly supported the case of the prosecution during the course of her examination-in-chief that “मैं इस केस की सूचिका हूँ। केस मैंने दिनांक 13.11.2020 को किया था। मैंने सविना खातुन, ताहिर आलम एवं गुड्डु मियां तीनों के खिलाफ केस किया था। शादी करने के लिए ताहिर आलम कहा था और ताहिर आलम शादी नहीं कर रहा था इसलिए मैंने केस किया था।(para 1)” “मैंने एक लिखित आवेदन थाना में दिया जिसपर मेरा हस्ताक्षर है जिसे देखकर मैं पहचानती हूँ इसे प्रदर्श P-6/PW3 से अंकित किया जाता है।(para 2)” “सभी मुदालय को मैं पहचानती हूँ आज न्यायालय में सविना खातुन उपस्थित है जिसे देखकर पहचानती हूँ अन्य सभी को देखकर पहचान लूंगी।(para 3)”

However, during the course of her cross-examination, this witness has taken hostile attitude and has stated that “गुड्डु मियां और मेरे बीच शादी हो गयी, शादी के बाद हम दोनों के दामपत्य जीवन से एक बच्चा पैदा लिया जिसका नाम ताकिफ और उम्र 2 वर्ष एवं 6 माह है।(para 4)” “मैं, मेरे पति और मेरी सास हम सब एक साथ एक ही घर में रहते हैं।(para 5)” “हमलोगों के बीच सुलह हो गया है।(para 6)” “थाना में जो आवेदन दिया था उसे पढ़कर मुझे नहीं सुनाया गया था।(para 7)”.

8. PW-2 is Md. Bassuriddin. This witness has not supported the case of the prosecution and stated in his examination-in-chief that “रिजवाना प्रवीण मेरी बहन है।(para 1)” “घटना के बारे में मैं नहीं जानता हूँ।(para 2)” “केस मेरी बहन रिजवाना प्रवीण ने गुड्डु मियां, ताहिर आलम और सबीना प्रवीण के खिलाफ की थी।(para 3)” “पुलिस हमसे पूछताछ नहीं किया था।(para 4)” “आज न्यायालय में मो० ताहिर आलम और मो० गुड्डु उपस्थित है जिसे पहचानता हूँ।(para 5)”.

During the course of cross-examination, this witness has stated that “मेरी बहन और बहनोई स्वेच्छा से शादी किये हैं, शादी के बाद दोनों साथ में रह रही हैं, दोनों के दाम्पत्य जीवन से एक बच्चा जन्मा लिया है।(para 6)” “मेरी बहन से पति, सास एवं ससुर से किसी तरह का कोई विवाद नहीं है।(para 7)” “मेरी बहन ससुराल में रह रही हैं।(para 8)”.

9. PW-3 is Resa Khatun. This witness too has not supported the case of the prosecution and has stated that “रिजवाना प्रवीण मेरी बेटा है।(para 1)” “घटना के बारे में मैं कुछ नहीं जानती हूँ।(para 2)” “केस के बारे में मुझे कोई जानकारी नहीं है।(para 3)” “पुलिस हमसे पूछताछ नहीं किया था।(para 4)” “आज न्यायालय में मो० ताहिर आलम और मो० गुड्डु उपस्थित है जिसे पहचानती हूँ।(para 5)”

During the course of cross-examination by the prosecution this witness has

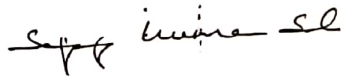
stated that "मेरी बेटी रिजवाना प्रवीण की शादी मो० ताहीर के साथ हुआ है, दोनों के दाम्पत्य जीवन से एक पुत्र जन्म लिया है पुत्र 3 वर्ष का है। मेरी बेटी ससुराल में रह रही है। मेरी बेटी मो० ताहीर से स्वेच्छा से शादी किया था।(para 6)" "मेरी बेटी का किसी से कोई विवाद नहीं है।(para 7)"

10. PW-4 is Faquaruddin Miyan. This witness has roughly supported the case of the prosecution and has stated that "रिजवाना प्रवीण मेरी बेटी है, वर्ष 2020 में रिजवाना प्रवीण और मो० ताहिर आलम के बीच शादी का मामला था।(para 1)" "दिनांक 29.07.2021 को मो० ताहिर ने रिजवाना प्रवीण से शादी किया है। वर्ष 2020 से दोनों साथ रह रहा था।(para 2)" "मो० ताहिर शादी नहीं कर रहा था इसलिए यह मुकदमा हुआ था।(para 3)" "दरोगा जी के समक्ष मेने वयान नहीं दिया था।(para 4)" "आज न्यायालय में गुड्डु मियां और मो० ताहीर उपस्थित है जिसे पहचानता हूँ।(para 5)".

During the course of cross-examination, this witness has stated that "शादी के बाद मेरी बेटी मो० ताहीर आलम के साथ रह रही है।(para 6)" "मो० ताहीर आलम और मेरी बेटी के दाम्पत्य जीवन से एक पुत्र जन्म लिया है, पुत्र 3 वर्ष का है।(para 7)" "मेरी बेटी अपने सास ससुर एवं पति के साथ अच्छा से रह रही है।(para 8)" "मेरी बेटी के साथ कोई प्रताड़ना नहीं किया जाता है।(para 9)".

11. In view of the discussions made above this court has come to the findings and hold that prosecution has failed to substantiate the charges levelled against the accused Savina Khatoon beyond reasonable doubts. Hence, accused Savina Khatoon is hereby found not guilty for the offenses punishable under Sections 376, 493, 341, 323, 504/34 of the IPC. In the result, accused Savina Khatoon is hereby **acquitted** forthwith from the charges levelled against her and set at liberty thereof. She is also discharged from the liabilities of her bail bonds.

Dictated and Corrected by me



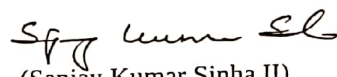
(Sanjay Kumar Sinha II)

Addl. Sessions Judge-II

Jehanabad

16.04.2026





(Sanjay Kumar Sinha II)

Addl. Sessions Judge-II

Jehanabad

16.04.2026

