

IN THE COURT OF DISTRICT AND ADDL. SESSIONS JUDGE-III, KAIMUR AT BHABUA.	
Present:- Vinay Prakash Tiwari , District and Addl. Sessions Judge-III, Kaimur, Bhabua.	
[Date of Judgment 25.03.2026]	
<u>Session Trial Case No. 178 of 2022</u>	
(Chand P.S. Case No. 164 of 2016)	
INFORMANT	Ashok Pandey.
REPRESENTED BY	Sri Satish Kumar Singh, Learned Spl. APP
ACCUSED	1. Sushma Kunwar aged about 35 years, W/o Late Sushil Pandey. 2. Chulbul Pandey aged about 30 years, S/o Shivpujan Pandey. 3. Rajesh Pandey @ Bagdu Pandey aged about 33 years, S/o Shivpujan Pandey. 4. Shivpujan Pandey aged about 60 years, S/o Late Thakur Prasad Pandey All R/o Village-Barhani, P.S.-Chand, Distt.-Kaimur.
REPRESENTED BY	Sri Jayprakash Singh, Ld. Advocate.

Date of Offence	15.10.2016
Date of FIR	15.10.2016
Date of Charge sheet	15.02.2017
Date of Framing of Charges	25.04.2023
Date of Commencement of evidence	20.05.2023
Date on which judgment is reserved	10.03.2026
Date of the Judgment	25.03.2026
Date of the Sentencing Order, if any	N/A

Accused Details

Rank of Ac-cused	Name of Ac-cused	Date of Ar-rest	Date of Re-lease on Bail	Offences Charged with	Whether Ac-quitted or convicted	Sentence Im-posed	Period of De-tention Under-gone during Trial for pur-pose of section 428, Cr. P.C.
1.	Sushma Kunwar	-	-	u/ss 147, 148, 341,	Acquitted	N/A	N/A

2.	Chulbul Pandey	-	-	323, 307/149 of the IPC.	Acquitted	N/A	N/A
3.	Rajesh Pandey @ Bagdu Pandey	-	-		Acquitted	N/A	N/A
4.	Shivpujan Pandey				Acquitted	N/A	N/A

LIST OF PROSECUTION/DEFENCE/COURT WITNESSES

A. Prosecution

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS EX PERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
P.W.-1	Vijay Shankar Pandey	Eye witness
P.W.-2	Ashok Kumar Pandey	Informant

B. Defence Witnesses, if any :

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
Nil	Nil	Nil

C. Court Witnesses, if any :

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
Nil	Nil	Nil

LIST OF PROSECUTION/DEFECE/COURT EXHIBITS

A. Prosecution :

Sr. No.	Exhibit Number	Description
1.	Ext.-P-1/PW2	Signature of the informant on written information.

B. Defence :

Sr. No.	Exhibit Number	Description
Nil	Nil	Nil

C. Court Exhibits :

Sr. No.	Exhibit Number	Description
Nil	Nil	Nil

D. Material Objects :

Sr. No.	Exhibit Number	Description
Nil	Nil	Nil

J U D G M E N T

1. In the above mentioned accused persons have been facing trial for the offence punishable u/ss 147, 148, 341, 323, 307/149 of the IPC.
2. It is alleged that the occurrence took place on 15.10.2016 at about 07:30 AM at Village-Barhani, PS-Chand, Distt-Kaimur.
3. The prosecution case in brief as made out from the written information of the informant Ashok Pandey that on the alleged date and time of the occurrence, the accused persons, namely, Shivpujan Pandey, and his sons Rajesh Pandey while taking spades in their hands entered into the house of the informant, they were saying for killing all the persons of the house behest these accused persons the daughter of the informant Kalandi Devi and son-in-law Malu Pandey and Shushma Kunwar also came there while taking lathis in their hands. They all started assaulting the informant and his family members. They somehow rushed to the outside of the house for saving their lives. His villager Vijay Shankar Pandey came there to rescue them. The accused persons assaulted him by means of spade on his head, due to which Vijay Shankar Pandey sustained injuries on his head and fell down.
4. On the basis of the written information, Chand PS Case No. 164/2016 dated 15.10.2016 was registered by the SHO formal FIR was drawn and investigation of the case was entrusted to the I.O.-Suryavansh

Kumar, S.I. He investigated the case and submitted charge-sheet after finding the case true. Ld. ACJM-IV, Kaimur taking cognizance and committed the case to the Court of Sessions. The file was transferred by the Ld. Principala District and Sessions Judge, Kaimur to this Court on 10.05.2022.

5. The accused persons were appeared before the Court and were charged u/ss 147, 148, 341, 323, 307/149 of the IPC. The charges were read over and explained to the accused persons in Hindi. To which they pleaded not guilty and claimed to be tried.

6. In support of its case, the prosecution has altogether examined two witnesses in this case and got exhibited the signature of the informant as Ext.-P-1/PW2.

7. After closing the prosecution evidence the statement of the accused persons were recorded u/s 313 of the Cr.P.C. They were questioned regarding the evidences and incriminating circumstances against them, to which they pleaded not guilty and claimed to be tried.

8. The point for determination before this Court is whether the prosecution has established its case against the accused persons beyond all shadow of reasonable doubts.

FINDINGS

9. P.W-2 is Ashok Kumar Pandey, the informant of this case. In his examination-in-chief, he has stated that he is the informant of this case and had given written information to the police. This is witness has identified his signature on the written information, exhibited as P-1/PW-2. The occurrence took place on 15.10.2016 at about 08:00 AM. He was present in his house. The accused persons, namely, Shiv Pujan Pandey, Chulbul Pandey and Rajesh Pandey @ Bagdu Pandey came to his home while taking spade and started assaulting them. When his maternal uncle Vijay Shankar Pandey came to rescue. The accused persons assaulted him on his head by means of spade, due to which he fell down. The accused person assaulted him be means of lathi. Sushma Kunwar, Kalandi Devi and other also came there. When the villagers gathered there, the accused persons fled away. Shiv Pujan Pandey was

treated in Chand Hospital along with his treatment. This witness has claimed to identify of the accused persons. In cross-examination, he has stated the he cannot see who had assaulted whom due to huge crowd. He also did not heard the abusing and intimidation due t crowd. He got lodged this case at the behest of villagers.

10. P.W.-1 is Vijay Shankar Pandey. In his examination-in-chief, he has stated that the occurrence took place 5 to 6 years ago at about 09:00 AM. He was in his house. On commotion, he went to pacify the matter. He also got injuries and fell down. In cross-examination, he has stated that he could not see who had taken which articles in their hands. He got injuries as he fell down. He did not see how the others sustained injuries. He also did not see who were abusing whom. The accused persons came one by one at the place of occurrence.

11. These are all the evidences adduced on the behalf of the prosecution. The informant himself has stated that he could not see who had assaulted whom as there was huge crowd at the place of occurrence. Likewise PW-1-Vijay Shankar Pandey, another injured of this case also has stated that he could not see who has committed the occurrence. Apart from, this there is nothing on the record on behalf of prosecution in support of its case. As per evidence of PW-1 and PW-2, the charge levelled against the accused persons u/ss 147, 148, 341, 323, 307/149 of the IPC could not be proved beyond all shadow of reasonable doubts. Accordingly, all the accused persons ***acquitted*** from same. They are set at liberty. They are also discharged from the liabilities of their bail bonds.

Dictated and corrected by me.

SD/-
(Vinay Prakash Tiwari)
D.A.J-III, Bhabhua
Dated : 25.03.2026

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D.A.J-III, Bhabhua
Dated : 25.03.2026