

In the Court of Miss Kumari Shipra, Judicial Magistrate First Class,
Mohania (Kaimur)

Registration No- 4430/2022,

Kudra P.S. Case No- 115/2010

State vs Mukesh Kumar Kharwar

Date	Judgment through Order	Remarks
<u>06/06/2026</u>	The accused namely, 1. Mukesh Kumar Kharwar is in attendance along with their Ld. Counsel. Today this record is fixed for recording of statement u/s 313 CrPC. The statement u/s 313 has been recorded of sole accused. He denied all allegations and pleaded his innocence. Thereafter, on oral request of the ld. Counsel on behalf of sole accused defence evidence is closed and fixed for argument. It has been submitted by the Ld. Counsel of the accused that in instant matter, Prosecution has failed to bring any material on record against the accused facing trial, and hence appropriate order may be passed. Put on 2nd half for the order. Later on, in 2nd half after recession On perusal of case records, it appears that this instant case has been lodged on the written application of informant Sheshnath Dubey under-sections-341, 323, 379, 406, 420 & 504/34 of the Indian Penal Code. Thereafter, after completion of investigation, the Charge-sheet no.- 143/2011 has been submitted u/s- 406, 420 & 504/34 of Indian Penal	

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Code was submitted by the Investigating Officer. It further appears that in this case cognizance of the offence was taken by Ld. Predecessor court U/s -406, 420 & 504/34 of Indian Penal Code against sole accused namely 1. Ramadhin Singh @ Ramadhin Sah @ Kharwar and 2. Mukesh Kumar Kharwar.

On production of aforesaid accused persons on dated- 24/10/2011, charge has been framed against both accused under sections- 406, 420 & 504/34 of I.P.C. to which they denied and claimed to be tried. It further appears that since 15/11/2011, instant case record has been pending for prosecution evidence. Prosecution has been given provided enough opportunities to adduce evidence despite that, prosecution failed to adduce any single evidence.

However, name of accused Ramadhin Singh @ Ramadhin Sah @ Kharwar has been expunged from this case record vide order dated 25.04.2025. Thereafter, the record was running for only one accused.

The prosecution evidence has been closed vide order dt. 25.05.2026 after providing last chance on 16.04.2026.

Thereafter, the statement of sole accused U/s 313 of Cr.P.C has been recorded today.

It is to be observed that, **more than 15 years** has been passed since charge has been framed against the accused, but not a single witness has been turned up and examined in support of the version of prosecution. Even the informant of the case did not turn up before the Court for his testimony.

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From perusal of Case Record it transpires that; there is nothing available on record to convict the accused. Considering the above-mentioned facts and circumstances, it is evident that prosecution has completely failed to prove guilt of accused beyond the shadow of reasonable doubt. Hence, this Court found and hold that the sole accused namely 1. Mukesh Kumar Kharwar is not guilty of the offence punishable u/s 406, 420 & 504/34 of IPC.

ORDERED

In the present case the prosecution has failed to prove its case due to lack of evidence. So, the accused persons namely, **1. Mukesh Kumar Kharwar facing trial in this case is hereby acquitted from the charges punishable under section 406, 420 & 504/34 of Indian Penal Code.**

Since the aforesaid sole accused is on bail, the accused and his bailors/sureties are also discharged from their respective liabilities as to their bail bonds. The sole accused be set at liberty.

Office Clerk is directed to upload the Judgment in CIS and update the CIS accordingly. Office Clerk is further directed to recall the process/warrant issued by this court, if any, and consign the record to the record room as per Rules.

This judgement is written, typed, corrected, signed and pronounced by me in open court.


Kumari Shipra
Court no 04, JMFC
Mohania (Kaimur)