

Session Trial No. 701/2023

State of Bihar VS. Dharambeer Goswami & Others

FORM A

IN THE COURT OF DISTRICT AND ADDITIONAL SESSIONS JUDGE-III,

KATIHAR

**Present: Sunil Kumar Singh-III,
District & Additional Sessions Judge-III
Civil Court, Katihar**

[Date of the Judgment- 03.06.2026]

[Session Trial No. 701/2023]

(Arising out of Mansahi P.S. Case No. 78/2019)

Charges U/S-307/34, 341/34, 323/34, 504/34, 354A/34 of IPC

PROSECUTION	State of Bihar Through: Satyanarayan Goswami- Informant
REPRESENTED BY	Ld. A.P.P. Shri P.N. Singh
ACCUSED	1.Chhotu Kumar Goswami, S/O- Late Prabhu Goswami, aged about-30 (A-1) 2.Dharambeer Goswami, S/O- Late Kailash Goswami, aged about-62(A-2) 3.Sonu Goswami, S/O- Late Prabhu Goswami, aged about-28 (A-3) All R/O Vill-Matiyapur, P.S.-Mansahi, Dist-Katihar, Bihar.
REPRESENTED BY	Shri, Sanjay Kumar Singh Ld. Adv.

FORM B

Date of Offence	20.08.2019
Date of FIR	21.08.2019
Date of Charge-sheet	30.11.2019
Date of Cognizance	03.08.2021
Date of Framing of Charges	30.07.2025
Date of commencement of prosecution evidence	10.09.2025
Prosecution evidence closed	21.04.2026
Date of recording Statement U/Sec 313 of Cr.P.C.	06.05.2026
Date of commencement of defense evidence	06.05.2026

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Defense evidence closed	06.05.2026
Date on which judgment is reserved	22.05.2026
Date on which Judgment is Pronounced	03.06.2026
Date of the Sentencing Order, if any	N.A.

Accused Details:

S. No	Name of Accused	Date of Arrest/ Surrender	Date of Release on Bail	Offences Charged U/S	Whether Acquitted or convicted	Sentence Imposed	Period of Detention Undergone during Trial for purpose of section 428 Cr.P.C.
1.	Chhotu Kumar Goswami	N.A.	20.11.2019	307/34,341/34,323/34,504/34,354A/34 of IPC	Acquitted	N.A.	N.A.
2.	Dharambeer Goswami	N.A.	20.11.2019	307/34,341/34,323/34,504/34,354A/34 of IPC	Acquitted	N.A.	N.A.
3.	Sonu Goswami	N.A.	20.11.2019	307/34,341/34,323/34,504/34,354A/34 of IPC	Acquitted	N.A.	N.A.

-:JUDGMENT:-

1. The above named three accused namely (1) Chhotu Kumar Goswami (2) Dharambeer Goswami (3) Sonu Goswami are charged for the commission of the offences punishable U/S-307/34, 341/34, 323/34, 504/34, 354A/34 of IPC and they are facing trial for the said offences.

FACTUAL BACKGROUND

2. The case of the prosecution as per fardbayan is that on August 20, 2019, at around 10:00 AM, he was returning home from Kuretha. At that time, waiting in ambush from before, all the accused persons With the shared intention of killing him, began verbally abusing him. Prabhu Goswami struck him on the head with a bamboo stick (baas), causing his head to split open. He fell down unconscious. Following this, all the accused began hitting him with sticks, batons, kicks, and punches. When his nephew came to rescue me, Sonu Goswami, while hurling abuses, struck him on the head with a baton, splitting his head open as well. When my wife, Sadhana Devi, came to rescue him, Dharamveer Goswami abused her, grabbed her by the hair, threw her down, and began hitting her with kicks and punches. During this, Sonu Goswami pulled her saree, leaving her semi-naked. As the commotion grew and the villagers started arriving, the accused fled from the scene. During the incident, Chhotu Goswami also took 80,000/- rupees from his nephew's pocket.

8/05.06.26



3. On the basis of the fardbayan of the informant, Mansahi P.S. Case No. 78/2019 dated 21.08.2019 was instituted against the above named accused persons for the offences punishable U/S- 307/34, 341/34, 323/34, 504/34, 354B/34 of IPC and upon completion of investigation, the charge-sheet was submitted against the present accused persons. Subsequently, cognizance of the offences u/s- 307/34, 341/34, 323/34, 504/34, 354A/34 of IPC was taken by the court of Ld. C.J.M, Katihar against the above named accused person.

4. After completion of the appearance of the above named accused, the complete sets of police papers were supplied to the accused and the then Ld. C.J.M., Katihar, committed the case record to the Court of Sessions, Katihar and accordingly, Sessions Trial Case No.701/2023 was instituted and in due course of time, the case record was received to this court by the order of the Ld. Sessions Judge, Katihar for trial & disposal in accordance with law.

TRIAL PROCEEDINGS

5. Hearing rival arguments of both the sides, charges were framed for the offences punishable U/S- 307/34, 341/34, 323/34, 504/34, 354A/34 of IPC against the above named accused persons and the same were read over and

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explained to them in Hindi on 30.07.2025 to which they pleaded not guilty and claimed trial. Accordingly, the case was fixed for prosecution evidence.

6. To substantiate its case, the prosecution has examined altogether five witnesses. The brief description, serial number, name of witnesses etc. are being produced here for easy reference. The prosecution has produced following evidence:-

FORM C

LIST OF PROSECUTION/DEFENCE/COURT WITNESSES

EVIDENCE ON BEHALF OF PROSECUTION

A) ORAL EVIDENCE

Sl. No.	Name	NATURE OF EVIDENCE (Eye Witness, Police Witness, Expert Witness, Medical Witness, Panch Witness, Other Witness)	Date of examination
PW-01	Ram Prakash Sah	Hostile	09.01.2026
PW-02	Sadhana Devi	Other Witness	13.01.2026
PW-03	Natwar Goswami	Other Witness	13.01.2026
PW-04	Satyanarayan Goswami	Informant	13.01.2026
PW-05	Niranjan Mandal	Hostile	18.03.2026

05.06.26



B) DOCUMENTARY EVIDENCE

Sl. No.	Description of Document	Date of Admission	With or Without Objection
P1/PW-4	Signature mark of informant on written application	13.01.2026	Without Objection

7. Thereafter, no other witnesses were examined by the prosecution and prosecution evidence was closed on 21.04.2026. The statements of the above named accused persons were recorded on 06.05.2026, U/S 313 Cr.P.C and all the incriminating evidences had been put to them in their vernacular language to which they stated that they have been falsely implicated in the present case and are innocent and on 06.05.2026, the defence evidence was closed on the prayer of the Ld. defence counsel. Accused persons have not produced any oral or documentary evidence in support of their defense.

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POINT FOR DETERMINATION

8. The point for determination before this court is that whether the prosecution has been able to prove its case beyond the shadow of reasonable doubts against the accused persons or not?

APPRECIATION OF EVIDENCE

9. Now, this court shall discuss all the evidence available on the records in the light of charges levelled against the accused persons.

(i) **PW-1 Ram Prakash Sah** was examined before the court and declared hostile on the request of Ld.P.P. He didn't support the prosecution in his deposition. He only stated that He did not know about the incident and his statement was not recorded by the police.

(ii) **PW-02 Sadhana Devi** is the wife of the informant. She has stated in her examination-in-chief that this case was filed by her husband Satyanarayan Goswami against Dharambeer Goswami, Sonu Goswami, and Chhotu Goswami in the year 2019. There was fight between both parties regarding a domestic dispute. At the time of testimony Dharambeer was present in Court, whom she identified and remaining accused persons who had not come she can identify them by seeing them as well. During cross-examination she stated that she gave testimony on her own will without any pressure. Compromise has been done between both the parties.

(iii) **PW-03 Natwar Goswami** has stated in his examination-in-chief that this case was filed by Satyanarayan Goswami against Dharambeer Goswami, Sonu Goswami, and Chhotu Goswami in the year 2019. There was fight between both parties regarding a domestic dispute. He had gone to break up the fight. At the time of testimony Dharambeer was present in Court, whom he identified and remaining accused persons who had not come he can identify them by seeing them as well.

During cross-examination he stated that he gave testimony to his own will without any pressure. Compromise has been done between both the parties.



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(iv) **PW-04 Satyanarayan Goswami** is the informant of this case. He has stated in his examination-in-chief that he has filed this case against Dharambeer Goswami, Sonu Goswami, and Chhotu Goswami 5-6 years ago. The incident was at about 3 to 4 Pm. There was fight between both parties regarding a land dispute. Further he has identified his signature on written application which is marked as P1/PW4.

During cross-examination he stated that he gave testimony on his own will without any pressure. Compromise has been done between both the parties.

(v) **PW-05 Niranjan Mandal** was examined before the court and declared hostile on the request of Ld.P.P. He didn't support the prosecution in his deposition. He only stated that He did not know about the incident and his statement was not recorded by the police.

ARGUMENT OF RIVAL CONTENDERS

10. BY PROSECUTION: -

Placing the case before the court, the Ld. Addl. P.P. for the State during the course of his argument has submitted that though, the witnesses who have been examined, have not supported the prosecution case but charge-sheet has been submitted against the accused (1) Chhotu Kumar Goswami (2) Dharambeer Goswami (3) Sonu Goswami. Learned Addl. P.P. summing up the case, finally submitted that the prosecution by way of his arguments, has been able to duly prove the case and therefore, the accused person be convicted and sentenced accordingly.

11. BY DEFENCE: -

The learned counsel arguing for the accused persons, submitted that the whole prosecution story to be false & concocted one. The Ld. Counsel submitted that five witnesses examined, but no one has supported. Accordingly, it is prayed by the Ld. Counsel that the accused person deserves kind consideration of acquittal from the charges leveled against her.

DECISION AND REASON FOR THE DECISION

12. Having heard the arguments advanced by Ld. Addl. P.P. for State as well as the Ld. Counsel for accused persons and have meticulously perused the materials available on the case record,

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13. Before going through the case and appreciating the evidence on record, I would like to state that, it is settled proposition of criminal law that the prosecution is supposed to prove its case on judicial file beyond the shadow of all reasonable doubt by leading reliable, cogent and convincing evidences and any such doubt in the prosecution story entitle the accused persons to acquittal.

14. Further to prove its case on judicial files prosecution is supposed to stand on its own leg and it can't drive any benefit whatsoever from the weakness, if any, in the defence of the accused persons.

15. In a criminal trial, the burden of proving everything essential to the establishment of the charge against an accused always rests on the prosecution and there is a presumption of innocence in favour of the accused until the contrary is proved. Criminality is not to be presumed, subject to some statutory exceptions.

16. Now, the case in hand, altogether five prosecution witnesses have been examined in this case. Although, as per fardddbayan The prosecution alleged that on 20 August 2019, while the complainant was returning home, the accused persons ambushed and assaulted him with sticks and batons with the intention to kill him. Prabhu Goswami allegedly struck his head, causing serious injury, after which all accused beaten him. When his nephew and wife came to rescue him, they were also assaulted; Sonu Goswami allegedly hit the nephew and pulled the wife's saree, leaving her semi-naked. The accused fled when villagers arrived, and Chhotu Goswami was also accused of taking ₹30,000 from the nephew's pocket. It appears that two witnesses PW-01 Ram Prakash Sah and PW-05 Niranjana Mandal have not supported the prosecution case and have been declared hostile by the prosecution. Two witnesses did not support the prosecution case fully. PW-1 Ram Prakash Sah and PW-5 Niranjana Mandal were declared hostile and denied knowledge about the incident. PW-2 Sadhana Devi, PW-3 Natwar Goswami, and PW-4 Satyanarayan Goswami admitted during cross-examination that they gave their statements voluntarily and also stated that a compromise had already been effected between both parties. The witnesses mainly spoke about a domestic and land dispute between the parties, but no strong, consistent, and reliable evidence was produced to establish the guilt of the accused conclusively. Due to contradictions, hostile witnesses, and absence of convincing corroborative evidence, the prosecution case becomes doubtful.



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17. It is a settled principle of criminal law that the prosecution is supposed to prove its case on judicial file and the burden of proof in the criminal trial lies throughout upon the prosecution which never shifts.

CONCLUSION

18. On the basis of discussions made above and keeping in mind the entire prosecution evidence, I find and hold that the prosecution has not been able to prove the charges levelled U/S- 307/34, 341/34, 323/34, 504/34, 354A/34 of IPC against the three accused persons namely (1) **Chhotu Kumar Goswami** (2) **Dharambeer Goswami** (3) **Sonu Goswami** beyond the shadow of reasonable doubts. Hereinafter, order is passed.

ORDER

19. Therefore, the sole accused namely (1) **Chhotu Kumar Goswami** (2) **Dharambeer Goswami** (3) **Sonu Goswami** are hereby acquitted from the charges of the offences punishable U/S-307/34, 341/34, 323/34, 504/34, 354A/34 of IPC. Accused persons are on bail, as such, they and their sureties are discharged from the liabilities of their respective bail bonds.

20. File be consigned to Record Room after due recall of process; issued if any; and return of original Documents; if any; to the parties and seized article if any; be disposed off as per rule.



Dated: The 3rd day of June, 2026

(Sunil Kumar Singh-III)
Distt. & Addl. Sessions Judge-
III,
Civil Court, Katihar

This judgment has been dictated, corrected, signed, sealed, dated and pronounced by me in open court today i.e. 03.06.2026

Dated: The 3rd day of June, 2026

(Sunil Kumar Singh-III)
Distt. & Addl. Sessions Judge-
III,
Civil Court, Katihar

FORM C

LIST OF PROSECUTION/DEFENCE/COURT WITNESSES

EVIDENCE ON BEHALF OF PROSECUTION

A) ORAL EVIDENCE

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PW-05	Niranjan Mandal	Hostile	18.03.2026

B) DOCUMENTARY EVIDENCE

Sl. No.	Description of Document	Date of Admission	With or Without Objection
P1/PW-4	Signature mark of informant on written application	13.01.2026	Without Objection.

EVIDENCE ON BEHALF OF DEFENCE

Accused persons have not adduced either any oral or documentary evidence in support of their defence.

Dated: The 3rd day of June, 2026	(Sunil Kumar Singh-III) Distt. & Addl. Sessions Judge-III, Civil Court, Katihar
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Date of Judgment/ Order	03.06.2026
Date of Reserving Judgment/ Order	22.05.2026
Uploading Date	
Uploaded by	