

IN THE COURT OF JUDICIAL MAGISTRATE 1<sup>ST</sup> CUM ADDITIONAL CIVIL JUDGE

Gr. Case No. 1001772/2008

S. No.	Date of order of proceeding	Order with signature of the Court	Office action taken
1.	2.	3.	4..
	11/03/2026	<p>1. There was two accused in present case. Thereby in the present case there are two Accused person namely <b>1) Md. Ashif @ Pappu 2) Md. Ashique @ Safi</b> who are in attendance. Today the case record has been listed for Judgment. Perused the Case Record.</p> <p>2. From perusal of Case Record, it transpires that case has been instituted on the basis of written application of Md. Halim, S/o- Md. Jaan, R/O- Village- Karhara, P.S- Benipatti, District- Madhubani against the aforesaid accused person for the offences punishable under Section 147, 341, 323, 448, 504, 427 of Indian Penal Code.</p> <p>3. After Investigation, Investigating Officer has filed Chargesheet vide Chargesheet No. 97/2008, Dated- 23/07/2008 against aforesaid accused persons namely <b>1) Md. Atabul 2) Md. Motibul Rahman 3) Md. Arshi @ Irshad 4) Md. Laddu @ Reja Iqbal 5) Md Aashique @ Shafi Iqbal 6) Md. Ashif @ Pappu 7) Md. Sabbir 8) Md Iliyash 9) Md Mumtaj</b> for the offences punishable under Section 147, 341, 323, 448, 447, 337, 504 of Indian Penal Code.</p> <p>4. Cognizance had been taken against <b>1) Md. Atabul 2) Md. Motibul Rahman 3) Md. Arshi @ Irshad 4) Md. Laddu @ Reja Iqbal 5) Md Aashique @ Shafi Iqbal 6) Md. Ashif @ Pappu 7) Md. Sabbir 8) Md Iliyash 9) Md Mumtaj</b> for the offences punishable under Section 147, 341, 323, 448, 427, 337, 504 of Indian Penal Code on <b>19.08.2008</b>.</p> <p>5. On <b>21.12.2009</b> Substance was acution of explained against to aforesaid accused for the offences punishable under Section 147, 323, 341, 448, 427, 337, 504 of Indian Penal Code to which they pleaded not guilty and claimed to be tried.</p>	

6. On 17.02.2010 summon has been issued against prosecution witnesses and Learned A.P.O which has duly been informed to bring the evidence.

7. On prosecution has been given last chance for evidence. On 06.12.2014 Prosecution Evidence has been closed after issuing all the processes against the Prosecution Witnesses.

8. As there is no material and evidence on record to go for statement Under Section 313. The Ld. Advocated on behalf of accused prayed that this clear case of no evidence and the burden of proof is not shifted on the defence. So defence has not brought any witnesses. Learned Defence Counsel has submitted that it is case of no evidence, hence accused may kindly be acquitted. Learned AP.O. did not raise any objection against submission of Learned Defence Counsel.

9. In *Dahyabhai Chhaganbhai Thakkar vs. State of Gujarat.* (AIR 1964 SC 1563), the Hon'ble Supreme Court has ruled that *it is the fundamental principle of criminal jurisprudence that an accused is presumed to be innocent and, therefore, the burden lies on the prosecution to prove the guilt of the accused beyond reasonable doubt. This general burden never shifts and it always rests on the prosecution.*

10. 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. This general burden never shifts and it always rests on the accused.

11. 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 persons beyond the shadow of reasonable doubt. Hence, this Court found

and hold that the accused persons namely 1) **Md. Ashif @ Pappu** 2) **Md. Ashique @ Safi** for the offences punishable under Section 147, 323, 341, 448, 427, 337, 504 of Indian Penal Code.

**ORDER**

In the present case the prosecution has failed to prove its case due to lack of evidence. So, the accused persons namely ) **Md. Ashif @ Pappu** 2) **Md. Ashique @ Safi** , facing trial in this case are hereby acquitted from the charges punishable under Section 147, 323, 341, 448, 427, 337, 504 of Indian Penal Code. Since the aforesaid accused persons are on bail, the accused persons, and their bailors/sureties are also discharged from their respective liabilities as to their bail bonds. The accused be set at liberty.

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

Office Clerk is directed to upload the Judgment in CIS and update the CIS accordingly. Office Clerk is further directed to recall the process issued against above mentioned accused, if any, and consign the record to record room as per Rules.

Manish Ranjan  
JM 1st Class cum ACJ  
Benipatti (Madhubani)