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Court of Addl. Sessions Judge-I, Munger

Present-Amit Ranjan Upadhyay, Addl. Sessions Judge-I, Munger.
State (Ramji Das) Vs Chhotu @ Chhathu
Sessions Trial No. 200 / 2024
C.I.S No.- Session Case 200 of 2024
Bariyarpur P.S. Case No. 75 of 2016
DATE OF JUDGMENT: - 16th day of April 2026

Court of Addl. Sessions Judge-I, Munger

P R E S E N T: **Amit Ranjan Upadhyay,**
 Addl. Sessions Judge-I
 Munger.

Sessions Trial No. - 200/2024
C.I.S. No.- Session Case 200 of 2024
[Bariyarpur P.S. Case No. 75 of 2016]
State (Ramji Das) Vs Chhotu @ Chhathu
DATE OF JUDGMENT: - 16th day of April 2026

INFORMANT	Ramji Das, D/o Late. Govind Das, r/o – Kalyanpur, P.S. Bariyarpur, District Munger.
REPRESENTED BY	Ld. Pranav Kumar (Additional Public Prosecutor)
ACCUSED PERSON	1. Chhotu Kumar @ Chhotu Das @ Chhathu Kumar, Age 29 yrs. S/o Dinesh Das, At- Kalyanpur, P.S. Bariyarpur, District - Munger.
REPRESENTED BY	Bikash Ld. Defence Counsel.

Date of offence	05.07.2016
Date of FIR	13.07.2016
Date of Charge sheet	25.03.2021
Date of Framing of Charges	24.07.2024
Date of commencement of Evidence	16.08.2024
Date on which judgment is reserved	16.04.2026
Date of the Judgment	16.04.2026
Date of the Sentencing order, if any	N.A

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Accused Details:

Rank of the Accused	Name of the Accused person	Date of Arrest/ Surrender	Date of Release on Bail	Offenses Charged with	Whether Acquitted or convicted	Sentence Imposed	Period of Detention undergone during Trial for purpose of section 428 Cr.P.C.
1.	Chhotu Kumar @ Chhotu Das @ Chhathu Kumar	18.11.2019	18.11.2019	366 (A) of I.P.C.	Acquitted	N.A	N.A

J U D G M E N T

1. In this case only one accused person namely **Chhotu Kumar @ Chhotu Das @ Chhathu Kumar** stand charged **U/section 366 (A) of I.P.C.** and faced the trial.
2. The case of prosecution in short, is that on 05.07.2016 at about 01.30 p.m his minor daughter was induced and kidnapped by accused Chhotu Das @ Chhatku Das with the help of other accused persons namely Pandav Das and his wife. He has also stated that accused regularly used to call his daughter on mobile and later on his mobile number 9761011989 was also switched off. He has lastely filed a case against accused person in local police Station.
3. After completion of the investigation, the investigating officer has submitted charge sheet **Vide Charge-sheet No. 23/2021 dt. 25.03.2021 U/section 366A/34 of I.P.C** and on that basis, cognizance of offence has been taken in same section on 16.08.2021 against the accused person namely **Chhotu Kumar @ Chhotu Das @ Chhathu Kumar**.

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4. The case of the defense is total denial of the occurrence. Ld. Defence Counsel has submitted that the accused person have falsely been implicated in this case due to village politics.
5. On **24.07.2024** the charge has been framed **U/section 366 (A) of I.P.C.** and explained in Hindi to the accused person namely **Chhotu Kumar @ Chhotu Das @ Chhathu Kumar** who pleaded not guilty and claimed to be Tried.
6. On **16.04.2026**, prosecution evidence has been closed and the record was fixed for recording of statement of the accused person U/s 313 of the Cr.P.C. Thereafter, on **16.04.2026** the statement of the accused person U/s 313 was recorded in which he again denied all the allegations against him.
7. *Now, the main point for adjudication in this case is that whether the prosecution has been able to prove its case against the accused person beyond the shadow of all reasonable doubt or not ?*
- 8.(A) In this case, prosecution has examined Five witnesses in this case -

Sl. No.	Witness No.	Witness Name	Witness Nature
1.	P.W-1	Ramjee Das	Informant
2.	P.W-2	Sunita Devi @ Subhadra	Mother of victim
3.	P.W-3	Vinay Kumar Das	Other witness
4.	P.W-4	Dasrath Das	Other witness
5.	P.W-5	Victim X	Victim

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(B) In this case, Defence has examined no any witness in this case -

Sl. No.	Witness No.	Witness Name	Witness Nature
N.A	N.A	N.A	N.A

9. In this case, prosecution has produced only one documentary evidence.

LIST OF DOCUMENT EXHIBITED:

Sr. No.	Exhibit No.	Description Of Exhibit
1.	Ext. P-01	Signature of victim's father on written Petition.

10. No any oral or documentary Evidence produced on behalf of defense side.

11. The prosecution has examined five witnesses in this case. In course of adjudication, I would like to discuss the evidences adduced by the prosecution one by one. Out of five witnesses **PW-3 and PW4** has not fully supported the case of prosecution and they were declared hostile by this court on the request of Ld. A.P.P. PW-1 is Ramji Das who has stated that incident has taken place in year 2016 around 01.30 p.m and his minor daughter has gone to Godda but accused persons namely Chhotu, Pandav and his wife have induced and kidnapped her for marriage with accused Chhotu @ Chhattu. He has further claimed to identify all accused person. He has further stated that he has heard about marriage of his daughter with accused Chhattu but has no knowledge about date of marriage. He has also claimed not to read the content of written petition and has also denied to make false case against accused persons. PW-2 is Sunita Devi @

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Subhadra wife of informant Ramji Das as well as mother of victim who has partially supported the case of prosecution and has admitted previous love affairs between Chhotu and her daughter. She has also claimed to identify all accused persons. This witness in her cross-examination has stated no grievance from accused persons and admitted that her daughter lived peacefully with accused Chhattu @ Chhotu. She has also claimed to be deposed voluntarily without any fear or pressure. PW-5 who is victim of this case who has also not supported the case of prosecution but has claimed to marry with accused Chhotu @ Chhattu voluntarily on 11.08.2016 and living with her husband in Haryana. She has further stated to be blessed with two male child and also living peacefully with her husband. She has also identify signature of her father which was marked as Exhibit- P-1. She has also identify accused person who was present in the Court and claimed good relationship with her parents.

Apart from these three witness, prosecution has failed to produce other material witnesses I.Os. Due to absence of I.O, written petition, formal F.I.R, Charge-sheet as well as place of occurrence has not been proved and marked as Exhibit. In the same way, due to absence of Doctor, injury report has also not been proved and marked as Exhibit. All produced witnesses including informant cum victim has not supported the case of prosecution and has also not stated anything regarding act of assault reason best known to prosecution. In this way, prosecution has failed to prove the charges leveled against accused person beyond the shadow of reasonable doubt and it is well settled principle of law that benefit of doubt always goes in favour of accused person.

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12. Accordingly, it is therefore,

Ordered

I found and held accused persons namely **Chhotu Kumar @ Chhotu Das @ Chhathu Kumar** not guilty **U/section 366 (A) of I.P.C.** giving him benefit of doubt and he is acquitted from this case. He is set at liberty forthwith. Accordingly, his respective bailors are ordered to be discharged from the liabilities of their respective bail bonds.

Dictated & Corrected by me and pronounced in open court in Presence of both side signed and sealed on 16 day of April 2026.

(Amit Ranjan Upadhyay)
Addl. Sessions Judge- I
Munger
16.04.2026

(Amit Ranjan Upadhyay)
Addl. Sessions Judge - I
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16.04.2026

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1.	Chhotu Kumar @ Chhotu Das @ Chhathu Kumar	18.11.2019	18.11.2019	366 (A) of I.PC.	Acquitted	N.A	N.A

Appendix

Form C

List of Prosecution/Defence/Court witnesses (A) Prosecution

Sl. No.	Witness No.	Witness Name	Witness Nature
1.	P.W-1	Ramjee Das	Informant
2.	P.W-2	Sunita Devi @ Subhadra	Mother of vicitm
3.	P.W-3	Vinay Kumar Das	Other witness
4.	P.W-4	Dasrath Das	Other witness
5.	P.W-5	Victim X	Victim

(B) Defence witness, if any.....Nil.

Sl. No.	Witness No.	Witness Name	Witness Nature
N.A	N.A	N.A	N.A

(C). Court Witnesses.....Nil

LIST OF Prosecution/Defence/Court Exhibits

(A) Prosecution

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Sr. No.	Exhibit No.	Description Of Exhibit
1.	Ext. P-01	Signature of victim father on written Petition.

- (B) DefenceNil
- (C) Court Exhibits.....Nil
- (D) Material ObjectsNil.

(Amit Ranjan Upadhyay)
Addl. Sessions Judge- I
Munger
16.04.2026

Date of Judgment / Order	16.04.2026
Date of Reserving Judgment / Order	16.04.2026
Uploading Date	
Uploaded By	Rahul Raj (Court Reader cum Deposition Writer)