

FORM A

IN THE COURT OF PRINCIPAL DISTRICT & SESSIONS JUDGE,
MUNGER

Date of the Judgment – 22.04.2026
S.T. No. 292 OF 2023
Sangrampur P.S. Case No. 268/2022

Informant	Patrika Devi, W/o- Ramchandra Prasad Singh, R/o- Jhikuli, P.S- Sangrampur, Dist- Munger.
Represented by	Sri Abhay Sinha, Ld A.P.P.
Accused person	Lalan Kumar , S/o- Ramchandra Prasad, R/o- Jhikuli, P.S- Sangrampur, Dist- Munger.
Represented by	Sri Purushottam Jha, Ld. L.A.D.C.S;

FORM B

Date of offence	25.10.2022
Date of FIR	25.10.2022
Date of charge-sheet	09.11.2022
Date of Framing of Charges	06.10.2023
Date of commencement of evidence	07.12.2023
Date on which Judgment is reserved	08.04.2026
Date of the Judgment	22.04.2026
Date of the Sentencing Order, if any	-

Accused Details :

Rank of the Accused	Name of the Accused	Date of Arrest	Date of Release on Bail	Offences Charged with	Whether Acquitted or convicted	Sentence Imposed	Period of Detention Undergone during Trial for purpose of Section 428 Cr.P.C.
1	Lalan Kumar	26.10.2022	--	u/ss 307, 341, 436, 427 and 323 of IPC	Acquitted	-	--

FORM C

LIST OF PROSECUTION/DEFENCE/COURT WITNESSES

A. Prosecution

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
P.W. 1	Ramchandra Prasad Singh	Hostile Witness
PW. 2.	Patrika Devi	Informant
P.W. 3	Radha Kumari	Other witness
P.W. 4	Kedar Yadav	Investigating Officer

B. Defence Witnesses, if any:

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

C. Court Witnesses, if any:

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

LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS

A. Prosecution:

Sr. No.	Exhibit Number	Description
1	Exhibit- 1	Formal FIR
2	Exhibit- 2	Charge-Sheet
3	Exhibit- 3	Endorsement on FIR

B. Defence :

Sr. No.	Exhibit Number	Description
1	Nil	--

C. Court Exhibits :

Sr. No.	Exhibit Number	Description
1	Nil	--

D. Material Objects:

Sr. No.	Exhibit Number	Description
1	Nil	--

J U D G M E N T

(1) The sole accused person namely Lalan Kumar is facing trial for the offences punishable u/ss 307, 341, 436, 427 and 323 of IPC.

(2) The prosecution case as per the written report of the informant is that on 25.10.2022 at about 06:00 PM her first son namely the accused Lalan Kumar demanded money and when she refused the said accused armed with a sharp weapon with an intention to kill, locked her and her daughter in the house and set it on fire, as a result of which most of the household articles got burnt. Hence based on the ‘written application’ the above stated Sangrampur P.S Case No. 268/2022 dated 25.10.2022 u/ss 341, 323, 307, 427, 504 of I.P.C. was registered against the sole accused person namely Lalan Kumar.

(3) That after completion of the investigation the police submitted a charge-sheet under No. 357/2022 dated 09.11.2022 against the above stated accused person u/ss 341, 323, 307, 427, 436 and 504 of I.P.C.

(4) Subsequently, the Ld. Trial Court vide order dated 25.07.2023 took cognizance in the case u/ss 341, 307, 323, 427, 436 and 504 of IPC. Thereafter vide order dated 01.08.2023 the case record was committed to the Court of Sessions where it was registered as S.T. No. 292/2023. That the charges in the case against the sole accused person namely Lalan Kumar was framed on 06.10.2023 u/ss 307, 341, 436, 427 and 323 of IPC. The contents of the charges, so framed, were read over and explained to the accused person in Hindi to which he pleaded not guilty and claimed to be tried.

(5) After completion of the prosecution evidence, the statement of the accused person u/s 313 Cr.P.C was recorded on 13.03.2026 wherein he has claimed innocence.

(6) Now the question for determination is as to whether the prosecution has been able to prove the charges levelled against the above

named accused person beyond all the reasonable doubt or not?

FINDINGS

Evidence:

(a) Prosecution Evidence :

(7) **P.W. 1 is Ramchandra Prasad Singh** who deposed in his examination-in-chief that he does not remember anything about the occurrence and his statement was not recorded by the police. Further, this witness was **declared hostile** on the request of the prosecution.

During cross-examination by the prosecution, he has denied to have stated anything about the prosecution story before the police. He further denied the suggestion that in collusion with the accused person he is concealing the real facts of the case and further this witness identified the accused Lalan present before the Court.

In his **Cross-Examination** on behalf of the defence, this witness deposed that the mental condition of the accused Lalan was not sound since childhood. That it is correct to say that Lalan seldom visited the village and usually kept wandering around. That on the day of occurrence, Lalan was not present in the village and had gone somewhere outside. That it was correct to say that some other person had set fire in the house as there was no one present inside the house. That his wife had named Lalan Kumar on the basis of mere suspicion raised by other people that he had set the fire. He further denied the suggestion that he is voluntarily deposing before the Court without any fear or coercion.

(8) **PW 2 is Patrika Devi** the informant of the case who deposed in her examination-in-chief that she herself had lodged the case and that she had put her thumb impression. That the present occurrence took place two years ago. That she was not present at her house at the time of the occurrence. That she does not remember whether her statement was recorded by the

police or not. Further, this witness was **declared hostile** on the request of the prosecution.

In her cross-examination on behalf of the prosecution she denied to have stated anything about the prosecution story before the police. She further identified the accused person Lalan Singh present before the Court.

In her Cross-Examination on behalf of the defence, this witness deposed that it is correct to say that she was not present at her house at the time of occurrence as she had gone towards the river. That upon hearing the hue and cry, she and her daughter came towards the house from the side of the river. That the roof of the house was set on fire and extinguished by the villagers and that she had not seen who set the fire because she was not present inside the house. That the bedding, thatch, and other articles of her house did not get burnt. That she and her daughter did not suffer any burn injuries. She further deposed that a villager had written the application and she did not know who had written it and that the application was not read over and explained to her after taking her thumb impression. That it is correct to say that the mental condition of her son Lallan Kumar was bad and he usually stayed outside the village. That when she received Notice from the Court, she came to know that her son had been made an accused. She further deposed that that she is voluntarily deposing before the Court without any pressure.

(9) P.W. 3 is Radha Kumari, who deposed in her examination in chief that the occurrence took place in the year 2022 at about 07:00 P.M and that she did not remember the date of occurrence. That Lalan Kumar came to her house and set fire to the house, at that time she and her mother were outside the house. That all the grains and vegetables were burnt. That the accused also threatened to kill her father if he approaches the police station.

She further deposed that the accused often used to abuse towards demand of money. She further identified the accused person present before the Court as her elder brother.

In her cross-examination on behalf of the accused Lalan

Kumar she deposed that the present case was filed by her mother. That her mother and she were outside the house near the gate. At that time Lalan entered the house and set it on fire and locked the main gate. She deposed that after five minutes of the incident when there was a commotion, all the people of the village reached there. Thereafter the police was informed and they came there and further with the help of the villagers the fire was extinguished. That Lalan refused to open the gate, then the police took him out of the house and that Lalan did not set the room on fire on locking it, rather closed the main gate and set it on fire. Thereafter, the police interrogated her at the police station after half an hour of incident. She further deposed that Lalan is not mentally ill, he was just pretending to be like that. That Lalan threatened to kill her father in front of her. Further she has described the boundaries of the place of occurrence. She denied the suggestions that her statement is false with regard to setting fire by Lalan and also that she implicated the accused as she has an enmity with her brother.

(10) P.W. 4 is Kedar Yadav, who is the I.O of the case has deposed in his examination-in-chief that that on 25.10.2022, he was posted as an A.S.I. at Sangrampur Police Station. That on 25.10.2022, the investigation of Sangrampur P.S. Case No. 268/2022 was handed over to him by the S.H.O Shekhar Shaurabh. That after assuming the charge of the investigation, he recorded the written application of the informant in the formal case diary followed by the re-statement of the informant. That the place of occurrence is near the house of the informant Patrika Devi, where sufficient electricity light was available. That he inspected the village Jhikli and found that the place of

occurrence is the residential house of the informant. Further he described the boundaries of the place of occurrence which consists of the personal land of the informant to the North, the house of Surendra Prasad Singh to the South, a single-storied building of the informant to the West, the house of Sunil Kumar Singh to the East, and the 'bathan' of Manohar Singh to the West. He further deposed that during the course of the investigation, he recorded the statements of the witnesses Radha Kumari, Ramchandra Prasad Singh, and Gopi Kishan in the case diary and during the investigation, he arrested the FIR named accused Lallan Kumar. Thereafter, he received the supervision note and after completing the investigation against the accused Lallan Kumar, he submitted a charge sheet No. 357/22 dated 09.11.2022 u/ss 341, 323, 307, 427, 436, and 504 of the I.P.C. This witness identified his handwriting and signature on the charge-sheet which is marked as **Exhibit 2**. That the formal FIR was prepared by the then S.H.O Shekhar Shaurabh whose signature he identified and was marked as **Exhibit P-01**. That the registration of the FIR was prepared by the S.H.O Shekhar Shaurabh whose signature he identified and the same is marked as **Exhibit P-3 / P.W-04**. Further this witness identified the accused present before the Court as the person whom he had arrested.

In his **cross-examination** on behalf of the defence, this witness deposed that he could not say whether the written application was in the handwriting of Patrika Devi or not. That he does not remember as the written application is in whose writing but there is thumb impression of Patrika Devi upon it. That it was not found during the entire investigation whose handwriting it was. That he had recorded only the statement of Patrika Devi. That no burnt article was seized from the place of occurrence. That it was correct to suggest that no seizure list was prepared regarding any burnt material or clothes. That he had not mentioned any mental check-up of the

accused in the case diary. That at the time of the occurrence, the mental condition of the accused was not bad. That the informant and her daughter Radha Devi did not suffer any burn injuries and that at the time of recording statements of informant and her daughter, they were in good condition and that they were not sent for medical examination. That he was not present when the supervising officer visited the place of occurrence. That he could not state which witnesses were examined by the supervising officer. That he had not mentioned in the case diary which witnesses were examined by the supervising officer. He denied the suggestion that his investigation was faulty or that he had conducted the investigation incorrectly and falsely implicated an innocent person and that he is falsely deposing before the Court.

Documentary Evidence :

In support of the case the prosecution has placed on record the following exhibits:

Sr. No.	Exhibit Number	Description
1	Exhibit- 1	Formal FIR
2	Exhibit- 2	Charge-Sheet
3	Exhibit- 3	Endorsement on FIR

Thereafter the prosecution closed its evidence and the case was listed for statement of the accused u/s 313 of Cr.P.C.

(b) Statement U/S 313 Cr.P.C.

(11) The accused person in his respective statements u/s 313 Cr.P.C. recorded on 13.03.2026 has completely denied his involvement in the case and has stated that he is innocent has been falsely implicated in this case. However, he has not adduced any evidence in support of his case.

Submissions by Ld. A.P.P :

(12) The Ld. A.P.P submits that allegations qua the accused person are that he demanded money from his mother and on refusal he set the house on fire, when his mother and sister were present, with an intention to kill them. That the prosecution has examined four witnesses in support of its case out of which two were declared hostile including the informant while the third witness has fully supported this case. He submits that PW 3 has deposed that the custodial accused set the house on fire when she and her mother were outside the house and as a result the foodgrains, vegetables and other items in the house were burnt. That the accused entered the house and after locking himself set the house on fire. That the villagers and the local police brought him outside the house. Further, she deposed that the accused had threatened to kill her father.

The Ld. A.P.P has fairly submitted that from the respective depositions of PW 2 and PW 3 it is apparent that the informant and daughter were outside the home when as per the allegations the accused set the house on fire. In fact as per PW 3 the accused entered the house, closed the main door and thereafter set the house on fire. Hence, from the record it seems that there was no intention to murder the informant and her daughter nor any restraint was created. Also the accused did not hurt them. Hence, the offences u/s 307, 341 and 323 of IPC are not made out. However, from the record apparently the offences u/s 427 of IPC i.e. of mischief and section 436 of IPC namely mischief by fire with intent to destroy the house, are made out and accordingly the accused be convicted of the said offences.

Submissions by Ld. Counsel for the accused:

(13) The Ld. Defence Counsel at the outset has submitted the accused is innocent and has not committed any offence. That PW 1 was declared hostile who has stated in his cross-examination that on the date of

the incident the accused was not in the village and that some outsider had set his house on fire. That the informant had given the name of the accused in the case on the basis of suspicion only. That PW 2 who is the informant of this case was also declared hostile and claimed that at the time of the incident she had gone to the river and on hearing the commotion she and her daughter rushed towards the house. That she is not aware as to who set the house on fire and that the roof or the household articles or any bedding was not found to be burnt. That the informant has not supported her 'fardbeyan'. Also, PW 3 has stated that she and her mother were not in the house when it was burnt by the accused. He submits that clearly as per the submissions of the Ld. A.P.P offences u/ss 307, 341 and 323 are not made out in the case. Also the informant and PW 1 have not supported the offence of criminal intimidation and further PW 3 has not given any specific date, time and venue etc of committing the said offence. That no independent witness of the incident has been examined nor any exhibit towards completing the ingredients of the offences u/ss 436 and 427 of IPC has been placed on record. That the I.O of the case has clearly stated that he did not seize any burnt item at the place of incident nor he found the informant and her daughter injured.

The Ld. Counsel submits that clearly there is not an *iota of* evidence on record to implicate the accused and hence he be acquitted in this case.

Court Consideration :

(14) I have heard the detailed submissions of the respective Ld. Counsels and perused the record of the case. Briefly, the allegations on the accused person pertains to demand of money and on refusal setting his house on fire when his mother and sister were present inside the house. That out of the four prosecution witnesses two were declared hostile namely the father and the informant, who is the mother of the accused while PW 3 the sister of

the accused to a certain extent supported the prosecution case. That PW 1 in his cross-examination stated that the accused was not in the village at the time of the incident and some outsider set fire to his house while PW 2 claims that she was at the river when on hearing commotion rushed towards her house. That she did not see any person who set her house on fire. That PW 2 has clearly stated that she is not aware as to who wrote the 'fardbeyan' and the same was not read out to her though when asked she had given her thumb impression on the same. Further, nothing was found burnt in the house. That PW 3 has also claimed that she and her mother were outside the home when the accused locked himself and set it on fire. Therefore, it is clear that the offences u/ss 307, 341 and 323 are not made out in this case. Also PW 3 has alleged about criminal intimidation by the accused though no specific time, date venue etc has been outlined. Also both PW 1 and PW 2 have not supported the allegations. Hence, agreeing with the Ld. Defence Counsel, in my view the offence of criminal intimidation is also not made out in this case.

As regards the offences u/ss 436 and 427 of IPC, it is noted that the following are the essential ingredients of section 436 of IPC namely,- (i) that the property must be physically altered or destroyed; (ii) the damage must be caused by fire or an explosive; (iii) the property must be place of worship or a place of human dwelling or a place for the custody of property and (iv) the act must be done intentionally. Further, the ingredients of section 437 of IPC namely, (a) that there must be a damage/destruction to a property and (b) the damage must be a value of Rs. 50 or above.

In the present case the informant examined as PW 2 has clearly stated that her bedding roof or household articles were not burnt and further both PW 1 and the said PW 2 who were declared hostile have claimed that they have not seen the person who burnt the house. Also PW 3 has not given any specific details of household articles burnt or its monetary value. That the

I.O has clearly stated that he has not seized any burnt item from the place of incident. That the prosecution has not examined any independent witnesses in the case and also nobody was found injured. That no valuation of any damage to the property has been placed on record. Therefore, it is apparent that none of the ingredients of the offences u/ss 427 and 436 of IPC have been fulfilled.

(15) Therefore, considering the record, the submissions of the respective Ld. Counsels and in the totality of the facts and circumstances of the case, in my view the prosecution has been unable to prove its case beyond reasonable doubt and consequently giving benefit of doubt I am hereby **Acquitting** the present accused.

(16) Office is directed to prepare the Release Order of the accused person in the case in accordance with law.

(17) That the case file be consigned to the Record Room.

Dictated & corrected by me

Sessions Judge,
Munger
22.04.2026

(ALOK GUPTA)
Sessions Judge,
Munger
22.04.2026