

**In the court of Principal District & Sessions Judge, Muzaffarpur.**  
**Session Trial No. 626/2017**  
**(Arise out of Sahebganj P.S. Case No. 77 of 2017)**



**State**

**V/s**

**Shamshad & Ors. .... Accused.**

| <b>Date of Order<br/>of<br/>Proceeding</b> | <b>ORDER WITH THE SIGNATURE OF THE COURT</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | <b>OFFICE<br/>ACTION<br/>TAKEN WITH<br/>DATE</b> |
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| <b>15.07.2026</b>                          | <p>Accused Md. Naushad and Md. Mahmood are in attendance . No prosecution witness is in attendance. This case has been running for prosecution evidence since long. The prosecution has failed to produce any witness as yet despite sufficient opportunities given to it and as such the prosecution evidence was closed on 09/07/2026 and the case record was adjourned to 15/07/2026 for recording the statement of accused persons u/s 313 Cr.P.C. Today the statements of accused Md. Shamshad alias Chunnu and Md. Mahmood are recorded and this matter is posted for hearing the respective sides u/s 232 Cr.P.C .</p> <p>Ld. Counsel for the accused submits that this is a case of no evidence . In this circumstance, the case may be disposed u/s 232 of the Cr.P.C.</p> <p>Ld. P.P. appearing on behalf of the State did not controvert the submissions made on behalf of accused.</p> <p>Perused the record. The case bearing Sahebganj P.S. Case No. 77/2017 was registered u/ss 328 and 379/34 of IPC on the basis of written application of informant Dharmendra Ram wherein he has alleged that he is the driver of vehicle bearing no. JH09R-2051 belonging to one Sunil Kumar Singh. On 23/03/2017 accused Md. Mahmood hired the vehicle and as told</p> |                                                  |

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| <p><b><u>Contd...</u></b><br/> <b>15.07.2026</b></p> | <p>by his master, he proceeded towards Madhuban . On the way accused Md. Mahmood stopped the vehicle on the pretext of urination. As he (informant) stopped the vehicle , two persons sitting on the back seat, took out a cloth and forcefully pressed it on his face and injected . He became unconscious . They dropped him there and took away the vehicle.</p> <p>On perusal of record, it is reflected that the Police registered Sahebganj PS Case No. 77/2017 u/s 328 and 379/34 of the IPC and after investigation on 17/05/2017 , the I.O. filed charge-sheet for the offences u/s 328, 379/34 and 411 of the IPC against above named accused persons finding the case to be true. The learned Judicial Magistrate, on 23/05/2017 took cognizance against both the accused persons for the offence u/s 328, 379, 34 and 411 of the IPC and on 20/08/2017 committed the case record for trial in terms of Section 209 Cr.P.C. after complying with the provision of Section 207 Cr.P.C.</p> <p>Thereafter on 08/10/2018 , charges were read over and explained to the accused persons in Hindi to which they pleaded not guilty and claimed themselves to be innocent. Thereafter, processes were issued to the witnesses to secure their presence before the court, but despite a lapse of several years, the prosecution did not get examine any witness. Finally, the prosecution evidence was closed on 09/07/2026 . The record was fixed for recording the statement of the accused persons under Section 313 Cr.P.C on 15/07/2026 . The statement was recorded, wherein the accused denied the charges against them and claimed to be innocent.</p> <p>Thus, the prosecution failed to lead any evidence.</p> <p><b>Section 232 of the Code of Criminal Procedure provides-</b> “if after taking the evidence for the prosecution, examining the accused and hearing the prosecution and the</p> |  |
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| <b><u>Contd...</u></b><br><b>15.07.2026</b> | <p>defence on the point, the Judge considers that there is no evidence that the accused committed the offence, the judge shall record an order of acquittal”.</p> <p>Considering the above facts and circumstances of the case, this Court is of the considered opinion that the prosecution has failed to provide any evidence to substantiate its case beyond all reasonable doubt against the accused persons namely, (i) Md. Shamshad alias Chunnu s/o Md. Aimul and (ii) Md. Mahmood s/o Md.Latif . Accordingly, this Court does not find them guilty and they are acquitted u/s 232 Cr.P.C. They are also discharged from the liability of their bail bonds.</p> <p style="text-align: center;"><b>(Dictated and Corrected)</b></p> <p style="text-align: center;">sd/-</p> <p style="text-align: center;"><b>(Shweta Kumari Singh)</b><br/>Principal District &amp; Sessions Judge,<br/>Muzaffarpur.<br/><b>Dated: 15/07/2026</b></p> |  |
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