

**IN THE COURT OF MRS. NIDHI NAVNEET,
S.D.J.M., MUZAFFARPUR (WEST)
GR Case No. 76 of 2018
Arising out of Maniyari P.S. case no. 25/18
State (through Rajan Kumar) Vs. Baleswar Rai.**

Date of proceedings	Order of the court with signatures	Office action taken
16.04.2016	Attendance has been filed by sole accused person namely 1. Baleswar Ram. The case record has been placed before the court for Final order/Judgement for the disposal of the record after hearing the Learned counsel of the accused persons and the Spl. Ld. APO on behalf of State who was present before court. Heard the submissions made by the Id. Counsel of accused and perused the case record. From perusal of the record, it transpires that this Criminal case No.76 of 2018 has been instituted by the informant Rajan Kumar, through FIR No. 25 of 2018 dated 01.02.2018, against named accused person. After investigation, the police submitted the Chargesheet No. 94 of 2018 dated 09.05.2018 against 1 accused person namely, 1.Baleswar Ram, for the offences u/s 7 of the Essential Commodities Act, 1955. Thereafter, cognizance has been taken by the Ld. Court for the offences u/s Section 7 of the Essential Commodities Act, After securing appearance of the sole above-named accused, the substance of Accusations were explained to him on 16.02.2024 for the offence u/s 7 of the Essential Commodities Act and the case record proceeded for evidence on 18.03.2024. The Court issued summons on all the chargesheeted prosecution witnesses on 28.08.2025,ailable warrant on 19.09.2025 and lastly Dasti Summon against all the prosecution witnesses on 29.11.2025, but none of the named witnesses in the chargesheet turned up. After exhausting all the processes against the witnesses and providing ample opportunities to the prosecution to bring witnesses/evidence on record, the prosecution evidence was closed vide order dated 18.03.2026. As all the processes were exhausted and the offences u/s 7 of Essential commodities act are of summons triable nature, whereby it is suggested to complete trial expeditiously, the record was more than 07 years old, it was unlikely that the witnesses after much endeavour would turn up. Thereafter the sole accused was examined u/s 313 CrPC and his statements were recorded on 18.03.2026. The record proceeded for Arguments and as no evidence was brought on	

<u>Cont.</u> 16.04.2026	record, it was put for final order for today. The Id. Counsel of Defence put forth its argument that in absence of any prosecution witnesses supporting the case of prosecution there appears no material to ascertain and prove guilt of the accused persons beyond reasonable doubt. The Burden of Proof lies on the prosecution to prove its case with the help of witnesses. As no witnesses have been brought on record to support the facts of case, the prosecution failed to discharge its burden of proof. Thus, it is evident from case record that during trial the prosecution has not produced any oral or documentary evidence against the accused. An accused person cannot be supposed to be involved in commission of a criminal act unless and until, there has been convincing and cogent evidence against him. There is no material on record to warrant the conviction of the accused and it appears to be a case of NO EVIDENCE. So, after careful perusal of the case record, considering all the materials available on the record, the arguments put forward on behalf of defence, the discussions made above and in view of the facts and circumstances of the case, this court is of the opinion that the prosecution has not been able to establish the alleged charge against the accused person beyond the shadow of reasonable doubts. It is therefore ordered: ORDER • Accordingly, the sole accused person is hereby acquitted of the charges of offences punishable u/s 7 of the Essential Commodities Act, 1955. His bailors are also discharged from the liability of their bail bonds. • O/C is directed to recall all the processes and deposit the record in record room and upload the order on CIS as per the provisions. <i>(The order pronounced, has been typed, corrected and pronounced by me in open court on 16.04.2026).</i> Sd/- S.D.J.M. Muz. (W)	
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