

**IN THE COURT OF JUDICIAL MAGISTRATE FIRST CLASS, BIRPUR**

**(SUPAUL)**

**Present: Md. Rameezur Rahman**

Date of Judgment: 28.04.2026

G.R. No. 486 of 2017

Registration No. 486 of 2017

Details of F.I.R. - Karjain P.S. Case No. 36/2017

**State (Through Kameshwar Mehta) v. Tullu@ Rupesh Mehta and Others**

\*\*\*\*\*  
\*\*\*\*\*

**FORM A**

<b>IN THE COURT OF JUDICIAL MAGISTRATE FIRST CLASS, BIRPUR (SUPAUL)</b>	
<b>Present: Md. Rameezur Rahman</b>	
Date of Judgment: 28.04.2026	
G.R. No. 486 of 2017	
Registration No. 486 of 2017	
<b>Details of F.I.R. Karjain P.S. Case No. 36/2017</b>	
<b>State (Through Kameshwar Mehta) v. Tullu@ Rupesh Mehta and Others</b>	
INFORMANT	State (Through Kameshwar Mehta)
REPRESENTED BY	Sri Sanjay Kumar (Ld. Prosecution Officer)
ACCUSED	1. Tullu@ Rupesh Mehta 2. Ramjeevan Mehta 3. Jagdish Mehta 4. Kadamlal Mehta, 5. Shankar Mehta, 6. Rahul Mehta 7. Badri Mehta
REPRESENTED BY	1. Sri Ramchandra Prasad (Ld. Advocate)

**FORM -B**

Date of Alleged Offence	12.07.2017
Date of F.I.R.	13.07.2017
Date of filing of Chargesheet	13.01.2018
Date of Substance of Accusation	18.09.2019
Date of commencement of Evidence	14.11.2019
Date of which Judgment is Reserved	28.04.2026
Date of the Judgment	28.04.2026 (Later On)
Date of Sentencing Order, If any	None

IN THE COURT OF JUDICIAL MAGISTRATE FIRST CLASS, BIRPUR

(SUPAUL)

Present: Md. Rameezur Rahman

Date of Judgment: 28.04.2026

G.R. No. 486 of 2017

Registration No. 486 of 2017

Details of F.I.R. - Karjain P.S. Case No. 36/2017

State (Through Kameshwar Mehta) v. Tullu@ Rupesh Mehta and Others

\*\*\*\*\*

Accused Details

Rank of the Accused	<b>A1</b>
Name of Accused	Tullu@ Rupesh Mehta, s/o Jagdish Mehta aged about 35 years, r/o Hariraha, P.S. Karjain Bazar, District: Supaul
Date of Arrest	N.A.
Date of Release on Bail	02.08.2016
Offences Charged with	Section 147, 148, 341, 323, 325, 504, 506/34 I.P.C.
Whether Acquitted or convicted	<b>Acquitted</b>
Sentence Imposed	N.A.
Period of detention undergone during trial for purpose of section 428 Cr.P.C.	N.A.

Rank of the Accused	<b>A2</b>
Name of Accused	Ramjeevan Mehta, s/o Late Maoje Lal Mehta aged about 54 years, r/o Hariraha, P.S. Karjain Bazar, District: Supaul
Date of Arrest	N.A.
Date of Release on Bail	02.08.2016
Offences Charged with	Section 147, 148, 341, 323, 325, 504, 506/34 I.P.C.
Whether Acquitted or convicted	<b>Acquitted</b>
Sentence Imposed	N.A.
Period of detention undergone during trial for purpose of section 428 Cr.P.C.	N.A.

Rank of the Accused	<b>A3</b>
Name of Accused	jagdish Mehta, s/o Late Rubbi Mehta aged about 63 years, r/o Hariraha, P.S. Karjain Bazar, District: Supaul

IN THE COURT OF JUDICIAL MAGISTRATE FIRST CLASS, BIRPUR

(SUPAUL)

Present: Md. Rameezur Rahman

Date of Judgment: 28.04.2026

G.R. No. 486 of 2017

Registration No. 486 of 2017

Details of F.I.R. - Karjain P.S. Case No. 36/2017

State (Through Kameshwar Mehta) v. Tullu@ Rupesh Mehta and Others

\*\*\*\*\*

Date of Arrest	N.A.
Date of Release on Bail	12.02.2020
Offences Charged with	Section 147, 148, 341, 323, 325, 504, 506/34 I.P.C.
Whether Acquitted or convicted	<b>Acquitted</b>
Sentence Imposed	N.A.
Period of detention undergone during trial for purpose of section 428 Cr.P.C.	N.A.

Rank of the Accused	<b>A4</b>
Name of Accused	Kadamlal Mehta, s/o Late Rameshwar Mehta aged about 50 years, r/o Hariraha, P.S. Karjain Bazar, District: Supaul
Date of Arrest	N.A.
Date of Release on Bail	12.02.2020
Offences Charged with	Section 147, 148, 341, 323, 325, 504, 506/34 I.P.C.
Whether Acquitted or convicted	<b>Acquitted</b>
Sentence Imposed	N.A.
Period of detention undergone during trial for purpose of section 428 Cr.P.C.	N.A.

Rank of the Accused	<b>A5</b>
Name of Accused	Shankar Mehta, s/o Late Rameshwar Mehta aged about 45 years, r/o Hariraha, P.S. Karjain Bazar, District: Supaul
Date of Arrest	N.A.
Date of Release on Bail	12.02.2020
Offences Charged with	Section 147, 148, 341, 323, 325, 504, 506/34 I.P.C.
Whether Acquitted or convicted	<b>Acquitted</b>
Sentence Imposed	N.A.

IN THE COURT OF JUDICIAL MAGISTRATE FIRST CLASS, BIRPUR

(SUPAUL)

Present: Md. Rameezur Rahman

Date of Judgment: 28.04.2026

G.R. No. 486 of 2017

Registration No. 486 of 2017

Details of F.I.R. - Karjain P.S. Case No. 36/2017

State (Through Kameshwar Mehta) v. Tullu@ Rupesh Mehta and Others

\*\*\*\*\*

Period of detention undergone during trial for purpose of section 428 Cr.P.C.	N.A.
---	------

Rank of the Accused	<b>A6</b>
Name of Accused	Rahul Mehta, s/o Jagdish Mehta aged about 28 years, r/o Hariraha, P.S. Karjain Bazar, District: Supaul
Date of Arrest	N.A.
Date of Release on Bail	12.02.2020
Offences Charged with	Section 147, 148, 341, 323, 325, 504, 506/34 I.P.C.
Whether Acquitted or convicted	<b>Acquitted</b>
Sentence Imposed	N.A.
Period of detention undergone during trial for purpose of section 428 Cr.P.C.	N.A.

Rank of the Accused	<b>A7</b>
Name of Accused	Badri Mehta, s/o Late Ramdhan Mehta aged about 60 years, r/o Hariraha, P.S. Karjain Bazar, District: Supaul
Date of Arrest	N.A.
Date of Release on Bail	12.02.2020
Offences Charged with	Section 147, 148, 341, 323, 325, 504, 506/34 I.P.C.
Whether Acquitted or convicted	<b>Acquitted</b>
Sentence Imposed	N.A.
Period of detention undergone during trial for purpose of section 428 Cr.P.C.	N.A.

IN THE COURT OF JUDICIAL MAGISTRATE FIRST CLASS, BIRPUR

(SUPAUL)

Present: Md. Rameezur Rahman

Date of Judgment: 28.04.2026

G.R. No. 486 of 2017

Registration No. 486 of 2017

Details of F.I.R. - Karjain P.S. Case No. 36/2017

State (Through Kameshwar Mehta) v. Tullu@ Rupesh Mehta and Others

\*\*\*\*\*

**FORM-C**

**LIST OF PROSECUTION/DEFENCE/COURT WITNESS**

**A. Prosecution**

RANK	NAME	NATURE OF EVIDENCE
P.W. 01	Kameshwar Mehta	Informant and Alleged Victim

**B. Defence Witnesses, If any:**

RANK	NAME	NATURE OF EVIDENCE
D.W.	N.A.	N.A.

**C. Court Witnesses if any:**

RANK	NAME	NATURE OF EVIDENCE
N.A.	N.A.	N.A.

**LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS**

**A. Prosecution:**

Sr. No.	Exhibit Number	Description
1.	Exhibit - 01	Signature of the Informant on the Hand Written Application

**B. Defence:**

Sr. No.	Exhibit Number	Description
N.A.	N.A.	N.A.

**C. Court Exhibits**

Sr. No.	Exhibit Number	Description
N.A.	N.A.	N.A.

**D. Material Object:**

Sr. No.	Exhibit Number	Description
N.A.	N.A.	N.A.

**IN THE COURT OF JUDICIAL MAGISTRATE FIRST CLASS, BIRPUR**

**(SUPAUL)**

**Present: Md. Rameezur Rahman**

Date of Judgment: 28.04.2026

G.R. No. 486 of 2017

Registration No. 486 of 2017

Details of F.I.R. - Karjain P.S. Case No. 36/2017

**State (Through Kameshwar Mehta) v. Tullu@ Rupesh Mehta and Others**

\*\*\*\*\*

**JUDGMENT**

1. The accused namely 1. Tullu@ Rupesh Mehta 2. Ramjeevan Mehta and 3. Jagdish Mehta 4. Kadamlal Mehta 5. Shankar Mehta 6. Rahul Mehta 7. Badri Mehta were facing trial for wrongful restraint, voluntary causing hurt and intentional insult with intent to provoke breach of peace in furtherance of common intention thereby facing trial for the offence punishable u/s 147, 148, 341, 323, 325, 504, 506/34 of the Indian Penal Code, 1860.

2. The prosecution case in brief, as made out from the hand written application given by the informant Kameshwar Mehta gave rise to this case, wherein it is alleged that on July 12, 2017, at approximately 2:00 PM, over a land dispute, the accused persons namely Tullu @ Rupesh Mehta, Ramjeevan Mehta, Jagdish Mehta, Kadamlal Mehta, Shankar Mehta, Rahul Mehta and Badri Mehta attacked him. They used abusive language and assaulted him with sticks (lathi) and a sharp-edged weapon (farsa). He was beaten mercilessly all over his body at his home. His hand was injured by the farsa. When his son-in-law, Shyam Sundar Mehta, intervened to save him, they attacked him with the farsa on his hand and injured him as well. When his wife, Sita Devi, came to intervene, she was also severely beaten. His daughters, Rina Devi and Mina Kumari, who were in the courtyard, were also caught and beaten by the group. They used highly offensive and abusive language. During the assault, they snatched a silver chain weighing 10 'bhari', valued at Rs. 5,000, from his daughter Rina Devi's neck. Tullu @ Rupesh Mehta and the others destroyed his fence and damaged his son-in-law's motorcycle parked at the house. With the intent to kill, they beat his entire family. They dragged his daughter Mina Kumari by her hair and beat her severely with slaps and kicks while using filthy language. The delay in filing this application was due to an ongoing village panchayat.

3. On the basis of the abovesaid application given by the informant, the police registered Karjain P.S. Case No. 36/2017 dated 13.07.2017 for the offence punishable under

**IN THE COURT OF JUDICIAL MAGISTRATE FIRST CLASS, BIRPUR**

**(SUPAUL)**

**Present: Md. Rameezur Rahman**

Date of Judgment: 28.04.2026

G.R. No. 486 of 2017

Registration No. 486 of 2017

Details of F.I.R. - Karjain P.S. Case No. 36/2017

**State (Through Kameshwar Mehta) v. Tullu@ Rupesh Mehta and Others**

\*\*\*\*\*

Section 341, 323, 447, 448, 324, 379, 504, 506/34 of the Indian Penal Code, 1860. After investigation, the I.O. submitted the charge-sheet on the basis of which the Court took cognizance for the offence punishable under Section 147, 148, 341, 323, 325, 504, 506/34 of the I.P.C against the aforesaid accused persons.

4. After compliance of Section 207 of the Cr.P.C, on dated 18.09.2019, the Charges have been read over and explained to the accused persons in Hindi to which they pleaded not guilty and claimed to be tried. On dated 10.04.2026, the statement made under Section 313 Cr.P.C, the accused persons pleaded innocence and false implication.

**POINTS FOR DETERMINATION**

5. Now the point for determination is whether the prosecution has been able to prove the charges levelled against the accused persons beyond the shadow of all reasonable doubts by reliable and cogent evidences?

**FINDINGS**

6. On behalf of prosecution, only one charge-sheeted witness has been examined as P.W. 01 Kameshwar Mehta out of seven charge sheeted witnesses.

7. **Kameshwar Mehta (P.W. 01)** has stated during his examination-in-chief that the incident occurred in the year 2017. He does not remember the exact date. The time was 2:00 P.M. A Panchayat (village council) was convened by the accused persons, to which he was also called. He was asked by the accused why he had used abusive language. To this, he replied that he had not used any abusive language. At this, Rupesh alias Tulu, Jagdish Mehta, and Ramjivan Mehta grabbed his collar, took him outside, and there Rupesh attacked him with a Farsa (battle-axe). When he tried to hide/shield himself from the Farsa, it hit the middle finger of his right hand, causing it to break. He received treatment at the Raghopur Referral Hospital. Kadam Lal Mehta called Shankar Mehta, Badri Mehta, and Rahul. Together, they attacked him with a Satka (stick/rod), causing many injuries to his body. Hearing the noise, his wife Sita Devi, Reena Devi, Meena

IN THE COURT OF JUDICIAL MAGISTRATE FIRST CLASS, BIRPUR

(SUPAUL)

**Present: Md. Rameezur Rahman**

Date of Judgment: 28.04.2026

G.R. No. 486 of 2017

Registration No. 486 of 2017

Details of F.I.R. - Karjain P.S. Case No. 36/2017

**State (Through Kameshwar Mehta) v. Tullu@ Rupesh Mehta and Others**

\*\*\*\*\*

Devi, Mamta Kumari, and Ram Narayan Mehta came to save him. While trying to save him, Ram Narayan Mehta was injured in his hand by the Farsa. No one else was injured. Tulu snatched a silver chain from Reena's neck. He also damaged a motorcycle parked at the door by hitting it with the Farsa. The incident was witnessed by Hajari Yadav and Kusesar Mehta. He had a second person write down the application for this incident, signed it, and submitted it to the police station to register an F.I.R. This is marked as **Exhibit - 01**. He recognizes all the accused; however, no accused is present in court today.

During his cross examination, he stated that the accused persons are all his agnates (paternal relatives). The date of the Panchayat was May 7, 2017. There were approximately 08 people in total at the Panchayat. A land dispute is ongoing between the accused and him regarding Khata No. 46, Khesra No. 33, area 4 Kattha. He purchased this land from Vinod Chaudhary in 2017 in the name of his son-in-law, Ram Narayan Mehta. The boundaries of the place of occurrence are: East—wall of Kusesar Mehta; West—road; North—land of accused Tulu; South—his private land. When the Farsa hit him and his son-in-law Ram Narayan Mehta, he became unconscious. Then, Ram Narayan Mehta and Dinesh Mehta took him to the Sadar Hospital. He regained consciousness after two hours. He is testifying for the first time in this case. The accused Rupesh Mehta has also filed a case against him, which is ongoing in this same court.

Later on, on recall, he stated during his cross examination that he has reached a compromise (Sulah) with the accused persons in this case. He has signed the compromise petition voluntarily. The accused persons came one by one. He has no objection if the case is disposed -off on the basis of this compromise. He had fallen down at the time of the incident, which is why he was injured. Since a compromise has been reached, he does not wish to give any further testimony.

8. Now, let us discuss the defence version. The ld. counsel for the defence has submitted that the accused persons are innocent and have not committed any offence. It is further

**IN THE COURT OF JUDICIAL MAGISTRATE FIRST CLASS, BIRPUR  
(SUPAUL)**

**Present: Md. Rameezur Rahman**

Date of Judgment: 28.04.2026

G.R. No. 486 of 2017

Registration No. 486 of 2017

Details of F.I.R. - Karjain P.S. Case No. 36/2017

**State (Through Kameshwar Mehta) v. Tullu@ Rupesh Mehta and Others**

\*\*\*\*\*  
submitted that the accused persons were falsely been implicated in this case. He further argued that this case was filed due to misunderstanding between the informant and the accused persons and both the parties have entered into compromise and a joint compromise petition is also on record.

On the other side, the Ld. Prosecution Officer (hereinafter P.O.) has submitted that the prosecution has adduced one charge-sheeted witness out of seven charge-sheeted witnesses. It is further submitted by the Ld. P.O. that the accused persons have committed the offence and the same was also supported by the informant during his testimony. While concluding his argument, the Ld. P.O. has conceded the factum of compromise.

9. Heard the arguments from both sides and carefully perused the entire case record. On careful perusal of the case record, it appears that the prosecution has examined only one charge-sheeted witness in this case i.e., P.W. 01, who is only the Informant of this case. It is pertinent to note that despite several summons andailable warrants, the prosecution has failed to examine the Investigating Officer (I.O.), the Medical Officer (Doctor), or any other material witnesses of this case. This failure is fatal, as investigation remains unproved, injuries remain uncorroborated as and occurrence lacks independent support. No doctor has been examined and no injury report proved. The entire case rests upon P.W.1. Though, he initially supported the prosecution, during recall he materially contradicted himself by admitting factum of compromise and attributing injuries to fall. Hence, his testimony is inconsistent and unreliable, and it is unsafe to base conviction upon it.

Moreover, the informant P.W. 01 himself has admitted land dispute and counter-case indicate possibility of false implication, requiring corroboration, which is absent. In this regard, very recently the Hon'ble Supreme Court held in **Aslam Alias Imran v. The State of Madhya Pradaesh**<sup>1</sup> that "it is settled law that enmity is double edged weapon.

<sup>1</sup> 2025 SCC Online SC 670.

**IN THE COURT OF JUDICIAL MAGISTRATE FIRST CLASS, BIRPUR**

**(SUPAUL)**

**Present: Md. Rameezur Rahman**

Date of Judgment: 28.04.2026

G.R. No. 486 of 2017

Registration No. 486 of 2017

Details of F.I.R. - Karjain P.S. Case No. 36/2017

**State (Through Kameshwar Mehta) v. Tullu@ Rupesh Mehta and Others**

\*\*\*\*\*

On one hand, it provides motive, on the other hand, it also doesnot rule out the possibility of false implication. From the nature of the evidence, placed on record by the prosecution, the possibility of present appellant being false implicated on account of previous enmity cannot be ruled out. In our opinion, therefore, the appellant is entitled to benefit of doubt.”

10. So far as Section 147 and 148 of the Indian Penal Code, 1860 are concerned, it is true that the offences under Sections 147 and 148 of the I.P.C are non-compoundable in nature. However, it is equally well settled that in a criminal trial, the prosecution is required to prove the foundational facts constituting unlawful assembly and rioting beyond reasonable doubt. In the present case, the sole witness examined has not supported the prosecution case in material particulars and has admitted compromise between the parties. Moreover, the prosecution has failed to examine the Investigating Officer, doctor, and other material witnesses despite issuance of summons andailable warrants. In absence of reliable and cogent evidence, the formation of unlawful assembly, existence of common object, and use of force by the accused persons remain unproved. Thus, the very substratum of the offences under Sections 147 and 148 I.P.C collapses. Accordingly, the prosecution has failed to establish the essential ingredients of Sections 147 and 148 I.P.C, and the accused persons are entitled to acquittal on merits.

11. Consequently, on the basis of above discussion and perusal of the case record when this court scrutinizes the witness adduced by prosecution, the court found that there is no sufficient evidence to prove the prosecution case and on the basis of available evidences, the accused persons cannot be held guilty. Therefore, this court finds that the prosecution has not been able to prove the charges levelled against the accused persons beyond the shadow of all reasonable doubts.

It is, therefore,

**IN THE COURT OF JUDICIAL MAGISTRATE FIRST CLASS, BIRPUR**

**(SUPAUL)**

**Present: Md. Rameezur Rahman**

Date of Judgment: 28.04.2026

G.R. No. 486 of 2017

Registration No. 486 of 2017

Details of F.I.R. - Karjain P.S. Case No. 36/2017

**State (Through Kameshwar Mehta) v. Tullu@ Rupesh Mehta and Others**

\*\*\*\*\*

**ORDERED**

that the accused namely **1. Tullu @ Rupesh Mehta 2. Ramjeevan Mehta and 3. Jagdish Mehta 4. Kadamlal Mehta 5. Shankar Mehta 6. Rahul Mehta 7. Badri Mehta** are hereby **ACQUITTED** from the charges for the offence punishable u/s 147, 148, 341, 323, 325, 504, 506/34 of the Indian Penal Code, 1860 levelled against him. The above-named accused is on bail. The accused is set out at liberty in this case. The bailors are discharged from their respective liabilities. The office is directed to recall all the processes, if any, that are issued in this case. The office is further directed to deposit the record in the record room after due compliance.

**(Md. Rameezur Rahman)**

**Judicial Magistrate 1<sup>st</sup> Class,**

**Birpur (Supaul)**

**Dated: 28.04.2026**

This judgement is typed, corrected, signed, pronounced by me in the open court and sealed in my presence.

**(Md. Rameezur Rahman)**

**Judicial Magistrate 1<sup>st</sup> Class,**

**Birpur (Supaul)**

**Dated: 28.04.2026**