

**Dist. Ranchi**

**In the Court of Addl. Judicial Commissioner-XIII**  
**-cum- Spl. Judge-III (other than AHD), Ranchi**

*Present:   Debasis Mohapatra,*  
*Addl. Judicial Commissioner-XIII*  
*-cum- Spl. Judge-III (other than*  
*AHD), Ranchi*

**Dated- Ranchi, 19<sup>th</sup> day of March, 2026**

**Sessions Trial Case No. 965 of 2022**  
**CNR No. JHRN010133805 -2022**

**Annexure – I**

|                                       |                                                                                                                                |
|---------------------------------------|--------------------------------------------------------------------------------------------------------------------------------|
| <b><u>Complainant/ Informant</u></b>  | Pahna Lakra                                                                                                                    |
| <b>Represented By:</b>                | Sri Deepak Kumar Sangha, Ld. Addl. P.P                                                                                         |
| <b><u>Accused</u></b>                 | Kalindra Kumar, aged about 46 years,<br>S/o- Late Durka Nayak, R/o- Chiragarh,<br>P.S.- Manoharpur, Dist.- Paschimi Singhbhum. |
| <b>Represented By               :</b> | Ms. Tamanna, Adv.                                                                                                              |

**Annexure- II**

|                                  |            |
|----------------------------------|------------|
| Date of Offence                  | 07.08.2011 |
| Date of FIR                      | 08.08.2011 |
| Date of Charge-sheet             | 07.08.2011 |
| Date of Framing Charges          | 22.02.2023 |
| Date of Commencement of evidence | 06.06.2023 |
| Date of the Judgment is reserved | 11.03.2026 |
| Date of Judgment                 | 19.03.2026 |
| Date of Sentencing Order, If any | --         |

**Accused details**

| SI. No. 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                      | <b>Kalindra Kumar</b> | --             | --                      | 25(1-B)A, 26 Arms Act I.P.C. | acquitted                      | --               |                                                                               |

**Annexure- III**

**List of Prosecution/ Defence/Court Witnesses**

**A. Prosecution**

| Rank | Name                        | (Eye witness, police witness, Expert Witness, Medical Witness, Panch Witness, other witness) |
|------|-----------------------------|----------------------------------------------------------------------------------------------|
| PW 1 | Budhram Lohra               | Other witness                                                                                |
| PW 2 | Birsa Munda<br>@ Birsa Horo | Other witness                                                                                |

**B. Defence Witness : None**

**C. Court Witness : None**

**List of Prosecution Exhibits**

| Sl. No. | Exhibit Number | Description                        |
|---------|----------------|------------------------------------|
| 1       | Ext. P-1/PW2   | Signature of P.W.2 on seizure list |

**B. List of Defence Exhibits : - NIL**

**C. Court Exhibits : - NIL**

**D. Material Exhibits : - NIL**

**J U D G M E N T**

1. The above named accused is facing trial for committing an offence punishable under Section 25(1-A), 26 Arms Act.

2. The prosecution story as it appears from the written application of the informant Kalindra Lakra submitted to the Officer-in-charge Tupudana TOP in brief is that informant is a member of Panchayat Samiti of Hardag Panchayat. On 07.08.2011 at about 8.00 PM the villagers received secret informant that a person namely Kalindra Nayak, R/o- Chirumatha, P.S.- Manoharpur District- West Singhbhum is hiding in the

house of Gabriyal Kerketta with arms and ammunition. The villagers visited the house of said Gabriyal Kerketta where they found an unidentified person. When the said person was questioned, he named himself Kalindra Nayak and when villagers searched him, from his possession a firearm was recovered. The matter was informed to police and the villagers produced the loaded pistol and cartridge along with said Kalindra Nayak, who had sustained minor injuries before Tipudana Police.

3. On the basis of the written application of the informant Durwa (Tupudana) P.S. Case No. 135/2011, dated 8-08-2011 under Section 25(1-b)a, 26 Arms Act had been registered. Police investigated the matter and after completion of investigation submitted charge sheet under Section 25(1-b)a, 26 Arms Act against the present accused facing trial and others. Accordingly by order dated 13.10.2011 cognizance of the offence was taken by learned Chief Judicial Magistrate, u/s 25(1-B)a, 26 Arms Act. It is pertinent to mention here that initially accused was facing trial before the learned Magistrate but subsequently it was pointed out that the seized fire arm and ammunition were of the nature of prohibited arms and ammunition for which by order dated 09.12.2022 the record was committed to the Courts of Sessions.

4. After appearance of the accused in this case, charge has been framed against him u/s- 25(1-A), 26 Arms Act to which he pleaded not guilty and claimed trial.

5. During the course of trial prosecution in support of its case could examine all total two witnesses apart from documentary evidence.

6. In his statements recorded u/s 313 Cr.P.C., the accused denied the allegations of committing the offence and has claimed innocence. No evidence has been adduced on behalf of Defence.

7. Point for determination is whether the prosecution has been able to establish the guilt of the accused beyond shadow of all reasonable doubt or not?

### **FINDING**

8. As has already been stated prosecution in support of its case could examine all total two witnesses of this case.

9. **PW-1** stated that the occurrence took place 10-12 years ago. When he was returning home from work he found that villagers have caught a person. The police was also there. Witness says that he cannot say as to what had been recovered from the possession of the person and what is the name of the said person. The witness was declared hostile by prosecution.

10. **PW-2** is the seizure list witness who identified his signature on the seizure list in connection with Tipudana (Dhurwa) P.S. Case No. 135/11, dated 07-08-2011. Witness stated that when he was returning his home, near the house of Gabriyal, seeing the crowd he stopped. He came to know that a thief has been apprehended and from his possession a pistol has been recovered. The said fire arm was seized by police by preparing seizure list on which he had put the signature. Witness says that he cannot identify the accused. Witness was also declared hostile by prosecution. In his cross-examination witness has stated that he had put his signature on being asked by police and he was no idea as to what was written on the paper.

11. In this case the accused is facing trial for having in his possession prohibited firearm and ammunition in contravention of the provisions of the Arms Act and for secret contravention. As has already been stated, in support of its case prosecution could manage to examine two witnesses but both were declared hostile. The informant of this case, the surgeon major who had examined the firearm and submitted the ballistic report and the investigating officers of this case who were the most vital witnesses have not been examined. The seized article has also not been produced in Court. Both the witnesses examined in this case have stated that they could not identify the accused. As such there is nothing on record to bring home the charge against the accused facing trial.

12. In view of the discussions made above it becomes clear that prosecution has miserably failed to prove the charges levelled against the accused beyond shadow of reasonable doubt

13. Accordingly, I find and hold accused namely **Kalindra Kumar** not guilty of the offence u/s 25(1-A), 26 Arms Act and as such he is acquitted from the charges levelled against him.

Since the accused is on bail, he and his bailors are discharged from the liabilities of bail bond.

**(Dictated & Corrected by me)**  
**Sd/-**  
(Debasis Mohapatra)  
Addl. Judicial Commissioner-XIII  
-cum- Spl. Judge-III (other than  
AHD), Ranchi  
Dated 19.03.2026

**(Pronounced by me)**  
**Sd/-**  
(Debasis Mohapatra)  
Addl. Judicial Commissioner-XIII  
-cum- Spl. Judge-III (other than  
AHD), Ranchi  
Dated 19.03.2026