

In the Court of Sri Ravi Shanker Pandey, JMFC, East Singhbhum at Jamshedpur Present: Sri Ravi Shanker Pandey, Judicial Magistrate, 1st Class, Jamshedpur. Dated : 25st Day of August, 2023 District: East Singhbhum G.R. Case No. 1904/2022 Sitaramdera P. S. No. 133/2022	
Prosecution	State through Puja Sethi
Represented by	Ms. Pallavi Singh, Ld. APP.
Accused persons	Sumit Singh @ Sambha S/o Late Laxmikant Singh Saurabh Yadav @ Golu @ Sahil S/o Sanjay Yadav Both R/o Haludbani, namu Tola, Parsudih, Jamshedpur, East Singhbhum.
Represented by	Sri K. K. Singh, Ld. Advocate. Sri A.K.S. Rathore, Sri Praveen Kumar Singh, Ld. Advocates.

Date of offence	11.07.22
Date of FIR	11.07.22
Date of cognizance	03.12.22
Date of Charge	27.01.23
Date of commencement of Prosecution evidence	08.02.23
Date of statement recorded U/s. 313 Cr.P.C.	17.08.23
Date of Judgment	25.08.23
Date of sentencing order, if any	None

Rank of the accused	Name of accused	Date of arrest/Remand	Date of released on bail	Offences charged with	Whether acquitted or convicted	Sentence imposed	Period of detention undergone during trial for purpose of section

							428 CrPc
A1	Sumit Singh @ Sambha	05.09.22	None	392/34 IPC	Acquitted	None	None
A2	Saurabh Yadav @ Golu	05.09.22	None	392/34 IPC	Acquitted	None	None

LIST OF PROSECUTION/ DEFENSE/ COURT WITNESSES

A. Prosecution Witness, if any: Yes

- PW 1- Puja Sethi (informant);
- PW 2- Kamal Sethi (Hearsay witness);
- PW 3- Alok Pandey (Hearsay witness);
- PW 4- Rakesh Kumar Singh (Police witness);
- PW 5- Rajesh Kumar Jha (I.O.); and
- PW 6- Dhananjay Baitha (Police witness)

B. Defence witnesses, if any: NO

C. Court Witnesses, if any: No

LIST OF PROSECUTION/ DEFENSE/ COURT EXHIBITS

A. Prosecution:

Sr. no.	Exhibit Number	Description
1	P1/PW1	Signature of informant over written application
2	P1/PW1	Endorsement of FIR
3	P42/PW4	Confessional Statement of Saurav Yadav @ Sahil @Golu
4	P3/PW5	Signature of PW 5 and officer-in-charge Akhilesh Mandal over typed final form
5	P4/PW5	Formal FIR
6	P5/PW6	Confessional Statement of Sumit Singh @ Sam

B. Defence: Nil

C. Courts: Nil

J U D G M E N T

1. The above named accused persons stands charged and faced trial for the offence u/s 392/34 IPC.
2. The prosecution story, in brief, as per the written application is that on 11.07.22 at 6.45 to 7.00 pm when the informant was returning after taking grocery material and reached near back gate of Ganga Regency, some boy came with motorcycle and snatched the gold chain along with locket, from her neck. Hence, this FIR was registered.
3. On the basis of written report of the informant Sitaramdera P.S. case no. 133/22 dt. 11.07.22 was registered for the offences u/s 392 IPC against unknown accused person and during investigation the above named accused persons remanded in this case on 05.09.22 on the basis of production warrant and after investigation the I.O. has submitted charge sheet against above named accused persons namely Sumit Singh @ Sambha and Saurabh Yadav for the offence u/s 392 IPC and accordingly, cognizance was taken on 03.12.22 against the aforesaid accused persons Sumit Singh @ Sambha and Saurabh Yadav for the offences U/s 392 IPC and case was kept in personal file for trial and disposal.
4. After supply of police paper to the accused persons, charge has been framed under sections 392/34 IPC and contents thereof was explained to accused persons in Hindi to which they did not plead guilt and claimed to be tried.
5. After framing charge, in order to prosecution evidence, the prosecution

has examined total six witnesses and the prosecution evidence was closed on 10.08.23 followed by recording of statement of accused persons u/s 313 of Cr.P.C on 17.08.23 wherein the evidence available on the record was categorically denied.

6. The defence has given opportunity to give evidence but he has denied to adduced any evidence.

7. The point for determination before the court is whether the prosecution has been able to prove the charges levelled against the accused persons beyond shadow of all reasonable doubts or not?

FINDINGS

8. In order to establish the charges levelled against the accused persons, the prosecution has produced total Six witnesses. PW 1 Puja Sethi (informant), PW 2 Kamal Sethi, PW 3 Alok Pandey, PW 4 Rakesh Kumar Singh, PW 5 Rajesh Kumar Jha (I.O.) and PW 6 Dhannanjay Baitha. Besides oral evidence, the prosecution has exhibited the following documents:

Sr. no.	Exhibit Number	Description
1	P1/PW1	Signature of informant over written application
2	P1/PW1	Endorsement of FIR
3	P42/PW4	Confessional Statement of Saurav Yadav @ Sahil @Golu
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9. PW 1 Puja Sethi (informant) has stated in her examination-in-chief that on 11.07.22 when she was coming back from the grocery shop and taking turn from Ganga Regency Hotel, in the meantime two persons wearing helmet came and attacked on her from behind and snatched her gold chain from her neck and went off. Thereafter, she called the police dialing 100 number and she went to the Sitaramdera police station and given written application bearing her signature. She has identified her signature, which is marked as **Ext.P1/PW1**.

In her cross-examination she deposed that she can not say the registration number of the motorcycle from which accused persons had come. Also the number of bike and the faces of the accused persons was not clear in the CCTV footage. She cannot identify the accused persons. She did not find the snatched article till today.

9.1 PW 2 Kamal Sethi has stated in his examination-in-chief that, this occurrence was happened on 11.07.22. On the date of occurrence, he daughter had gone for taking grocery items from Amrit Store and she was returning on foot at about 6.45 pm, in the meantime, two boy came from motorcycle and snatched the gold chain from her neck. Thereafter, her daughter informed to him and he reached there after 15-20 minutes. He alongwith her daughter went to Sitaramdera Police Station from there and registered FIR.

In his cross-examination he deposed that he was not present at the place of occurrence and has not seen the occurrence. His statement was not

recorded by the police. He has no personal knowledge regarding the occurrence.

9.2. PW 3 Alok Pandey has stated in his examination-in-chief that, this occurrence was happened on 11.07.22. The informant of this case namely Puja Sethi informed him on phone that in evening at between 6.30 pm to 7.30 pm, when she was returning from the grocery shop, in the meantime, two boy came from motorcycle and snatched the gold chain from her neck. Then, she registered FIR regarding the occurrence. In his cross-examination he deposed that he has not seen the occurrence and he does not identify the accused persons.

9.3. PW 4 Rakesh Kumar Singh has stated in his examination-in-chief that he had recorded the confessional statement of Saurabh Yadav @ Shahil @ Golu on 19.08.22 at 12.30 pm. This is the confessional statement, which is marked as **Ext. P2/PW4**. In confessional statement accused Saurav Yadav has accepted that he and his friend Sumit Singh @ Sambha have done the snatching of chain between 6.45 pm to 7.30 pm at Siataramdera. They also committed the offence of chain snatching on 16.07.22 at Kadma Firm area and on 14.07.22 at Ramnagar.

In his cross-examination he deposed that he has no knowledge about this case except the confessional statement. The confessional statement was typed by Pramod Manjhi, of which the last page bears his signature. He had recorded the confessional statement on the instruction of senior officials. He further denied that he recorded the confessional statement of Saurav Yadav

by threatening him.

9.4. PW 5 Rajesh Kumar Jha (I.O.) has stated in his examination-in-chief that he was posted as ASI at Sitaramdera PS on 11.07.22. He received the charge of investigation of this case from the officer in charge Akhilesh Prasad Mandal and mention the written statement of informant in the case diary, thereafter he recorded the re-statement of the informant, in which she has stated that she was returning after taking grocery items between 6.45 to 7.15 PM, in the mean time two boys came with motorcycle and snatched her hold chain including locket near the house of advocate Prafull Ranjan. Thereafter, he inspected the place of occurrence. The place of occurrence of this case is near Ganga Regency Hotel. The boundary of place of occurrence is in north- holding no. 144, house of Advocate Prafull Ranjan, south- house no. 147, east- Pakki Sarak, Chandra Medicare and in west- MGM hospital. Thereafter he inspected the footage of CCTV camera but nothing was found. He has stated further that in order to investigation he got knowledge that in Sitaramdera PS case no. 153/22 dt. 09.08.22 many accused persons have been arrested and one accused namely Sumit Singh @ Sambha has accepted that he along with Sourabh Yadav @ Sahil @ Golu had snatched a gold chain from the neck of a woman near Ganga Regency hotel and further accepted that he and Sourabh Yadav had sold that gold chain to Jyoti Burman. In Kadma PS case no.111/22 also the accused Sourav Yadav @ Golu @ Sahil has also accepted the above facts in his confessional statement. Further, he took remand of both the accused persons in this case and interrogated them

at Central Jail Ghaghidih on 24.11.22 in which both the accused persons accepted their involvement in this case. Thereafter he filed charge sheet against both the accused persons U/s 392 IPC vide charge-sheet no. 257/22 dt. 30.11.22 and kept investigation pending against Jyoti Burman. He has identified the writing and signature officer-in-charge Akhilesh Prasad Mandal over endorsement of written application which is marked as Ext. P1/1/PW5. He has also identified the signature of Akhilesh Prasad Mandal over typed final report and typed formal FIR, which are marked as Ext. P3/PW5 and P4/PW5 respectively. He has identified both the accused persons who have been produced through VC.

In his cross-examination he deposed that he has completed the investigation of this case. The snatched chain could not be recovered. He has neither recorded the confessional statement of the accused persons nor conducted their TIP. He has denied from the suggestion by the defence by stating that it is not true that no occurrence took place and he has submitted the charge sheet on instruction of his senior officials. It is also not true that his investigation is faulty.

9.5. PW 6 Dhananjay Baitha has stated in his examination-in-chief that he had recorded the confessional statement of Sumit Singh @ Sambha on 18.08.22 at 6 pm in Sitaramdera PS Case no. 153/22 dt. 09.08.22. This is the confessional statement which was typed by him, which is marked as **Ext. P5/PW6**. In confessional statement accused Sumit Singh @ Sambha has accepted that he and his friend Saurav Yadav @ Sahil have done the

snatching of chain on 11.07.22 at about 7.30 pm behind the house of Dr. Jena and prior to it, both the accused persons had snatched a chain near Ganga Regency Hotel from a woman.

In his cross-examination he deposed that he has not given the certificate in confessional statement that confessional statement was typed by him. He has no knowledge about the investigation of this case. He has not the signature of any other person who were present there during recording of confessional statement. He has denied from suggestion by the defence by stating that it is not true that he has taken the signature of accused person forcefully over confession statement.

10. Ld. defence counsel has urged that the accused persons have been falsely implicated in this case. There is no evidence on the record to prove the charges levelled against accused persons. The informant of this case has not identified the accused persons. No incriminating article has been recovered from the possession of the accused persons. The confession made before the police is not admissible in the evidence. So, in these circumstances the accused persons should be acquitted from the charge levelled against them.

11. Ld. A.P.P has submitted that all the witness have been examined in this case, have supported the case of the prosecution. The accused persons have accepted their involvement in this case during their confessional statement.

12. After having above discussion, the prosecution witnesses, it will be expedient to analysis the charges levelled against the accused persons in the

light of evidence and the argument advanced by both the parties. To prove the charges under section 392/34 IPC, the prosecution has examined total six witnesses. On going through the evidence of **PW 1 Puja Sethi** i.e. informant cum victim of this case, it is apparent that she has stated about the occurrence of snatching of her gold chain from her neck on the date of occurrence 11.07.22 by two boys, who came from the motorcycle, when she was coming back from the grocery shop and taking turn from Ganga Regency Hotel. **PW 2 Kamal Sethi** (father of informant), **PW 3 Alok Pandey**, who are hearsay witness have stated the fact, snatching of gold chain by two boys from the neck of informant. But on going through the cross-examination of the informant and PW 2 & PW 3, it is apparent that they have not identified the accused persons. The PW 1 (informant) has stated that she can not say the registration number of the motorcycle from which accused persons had come. Also the number of bike and the faces of the accused persons was not clear in the CCTV footage. She did not find the snatched article till today. PW 2 & PW 3 have also stated that they have not seen the occurrence. Further, on going through the evidence of **PW 5 (I.O.)**, it is apparent that investigating officer of this case has stated during his examination-in-chief that during investigation, he found that many accused persons were arrested in Sitaramdera PS Case no. 153/22, in which accused Sumit Singh @ Sambha has accepted that he alongwith accused Saurav Yadav @ Golu @ Sahil have snatched a gold chain on 11.07.22 at 7 pm near Ganga Regency Hotel. It is also apparent that he also interrogated the accused Saurav Yadav @ Golu @

Sahil, in which he accepted the same facts. PW 4 has stated that he had recorded the confessional statement of Saurabh Yadav @ Shahil @ Golu on 19.08.22 at 12.30 pm. In confessional statement accused Saurav Yadav has accepted that he and his friend Sumit Singh @ Sambha have done the snatching of chain between 6.45 pm to 7.30 pm at Siataramdera. The confessional statement has been proved as **Ext. P2/PW4**. Further, on going through the evidence of PW 6 it is apparent also that he had recorded the confessional statement of Sumit Singh @ Sambha on 18.08.22 at 6 pm in Sitaramdera PS Case no. 153/22 dt. 09.08.22. In confessional statement accused Sumit Singh @ Sambha has accepted that he and his friend Saurav Yadav @ Sahil have done the snatching of chain on 11.07.22 at about 7.30 pm near Ganga Regency Hotel from a woman. The confessional statement has been proved as **Ext. P5/PW6**. But on going through, the cross-examination of PW 5, it is apparent that no snatched materiel was recovered from the possession of accused persons by this witness. He has not conducted TIP also. Further on going through the cross-examination of PW 4 & PW 6, it is apparent that they have only recorded the confessional statement of accused persons and they have no personal knowledge of this case except confessional statement. Besides these, the PW 1, informant has also admitted during her cross-examination that the number of bike and the faces of the accused persons was not clear in the CCTV footage. Thus, from the above discussion, it is clear that gold chain of informant was snatched on the date of occurrence but the the involvement of above named accused persons in this

case has not been proved by the prosecution. The prosecution has not been able to prove that accused persons have snatched the gold chain of the informant. No snatched article has been recovered from the possession of the accused person. Thus, accused persons cannot be fasten for criminal liability only on the basis of their confessional statement. **As per section 25, Indian Evidence Act**, No confession made to a police officer shall be proved as against a person accused of any offence. Therefore, the prosecution has not been able to prove the charges levelled against above named accused persons under section 392/34 IPC beyond shadow of all reasonable doubts.

13. Hence, in the backdrop of discussion made above the above named accused persons namely Sumit Singh @ Sambha and Saurabh Yadav @ Golu @ Sahil are hereby acquitted from the charges levelled against him **under section 392/34 IPC.**

14. Accused persons are in judicial custody. Hence, o/c is directed to issue release order at once.

This judgment is delivered by me through VC in open court.

Typed and corrected by me.

Pronounced by me in open court

Sd/-

Sd/-

(Ravi Shanker Pandey)
JMFC,
Officer's ID : JH0656
Jamshedpur
25.08.2023

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