

<u>IN THE COURT OF JUDICIAL MAGISTRATE 1ST CLASS,</u> <u>KHUNTI</u> <u>Present : Amit Akash Sinha,</u> <u>[Judicial Magistrate 1st, Khunti]</u> <u>J.O. Code : JH02040</u> <u>Dated : 01st July, 2026</u> <u>District : Khunti</u> <u>G.R.Case No: 644/2023-A</u> <u>(Arisen out of Saiko P.S. Case no. 26/2023)</u>	
PROSECUTION	STATE (THROUGH KHRISTOCHIT SOY)
REPRESENTED BY	SRI VARUNAY KUMAR, LD. A.P.P.
ACCUSED	A1. NEHMIYA SOY, S/O LATE MUCHIRAY SOY, R/O VILLAGE- KITAHAU, P.S. MURHU, DISTRICT- KHUNTI

REPRESENTED BY	SRI, B. KANTH, LD. ADVOCATE
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OFFENCES U/S 386,387,34 OF INDIAN PENAL CODE	
Date of Offence	26.09.2023 to 12.10.2023
Date of FIR	12.10.2023
Date of Charge-sheet	22.11.2024
Date of Cognizance	11.12.2023
Date of Supply of PP	29.07.2025
Date of Charge/Substance	13.08.2025
Date of commencement of Prosecution Evidence	18.09.2025
Date of recording of Statement under section 313 Cr.P.C.	03.06.2026
Date of commencement of Defence Evidence	Declined
Date of Judgment is reserved	01.07.2026
Date of the Judgment	01.07.2026
Date of Sentence	-----

ACCUSED DETAILS

Name of the accused	Date of arrest/remand	Date of release on bail	offence substance/charge with	Whether acquitted or convicted	Sentence Imposed	Period of detention undergone during trial for the purpose of section 428 Cr.P.C.
A1. Nehmiya Soy	25.09.2024	24.01.2025	u/s 386, 387,34 Indian Penal Code	Acquitted	-----	-----

ORAL EVIDENCE

PROSECUTION WITNESSES:

Rank	Name of the witness	Nature of the Evidence
PW1	Khristochit Soy	Informant
PW2	Jeetu Soy	Related witness
PW3	Bimal	Investigating Officer
PW4	Ram Sudhir Singh	Investigating Officer

DEFENCE WITNESS : NIL

LIST OF EXHIBIT

PROSECUTION :

Sl. No.	Exhibit Number	Description
1.	Ext-P1/PW1	Written Application/ Report

DEFENCE : NIL

J U D G M E N T

1. ACCUSED STANDS TRIED FOR :

1a. The accused person named above has faced trial for the commission of the alleged offences **u/s 386, 387, 34 of Indian Penal Code** herein after referred as “IPC”.

2. PROSECUTION STORY :

2a. The prosecution case, in brief, as unfolded in the written report of the informant Khristochit Soy, is that on 26.09.2023 at about 11:00 PM, someone knocked at the door of the informant. Upon opening the door, two persons allegedly caught hold of him, entered into his house and by putting him in fear with a knife and a danda, demanded cash from him. Out of fear, the informant handed over a sum of Rs. 3,000/- to the said miscreants whom he claims to have identified as Dasai Purty @ Sukhram Purty and Sukhram

Purty @ Choi. It is further alleged that while leaving, the miscreants threatened the informant to arrange a further sum of Rs. 20,000/- within 15 days and cautioned him that in case he informed the police, he would be killed. The informant has also stated that upon coming out of his house, he noticed three other persons standing outside. It is further the case of the prosecution due to fear, the informant did not disclose the incident to anyone immediately. Thereafter, on 10.10.2023 at about 10:32 PM, the informant allegedly received a phone call from mobile number 8797919215 on his mobile number 8809406701, wherein the caller demanded Rs. 20,000/- and directed him to come near Baigarha River on Thursday at about 08:00 PM for handing over the money. On the following day, when the informant discussed the matter with the villagers, he came to know that similar demands of rangdari had been made from other villagers as well. It is further alleged that when the informant went near the appointed place, with the assistance of the villagers, one person was apprehended, while the remaining four persons managed to flee away from the spot where they had allegedly assembled to collect the money. On the basis of these allegations, the present case was instituted.

3. PROSECUTION ARGUMENTS:

3a. The learned A.P.P. for the state declined to argue the case.

4. DEFENCE ARGUMENTS :

4a. The defence completely negated the case of the prosecution and submitted the following:

- ☐ informant-cum-victim examined as PW1 specifically admitted that the accused is innocent.
- ☐ There is nothing on record to substantiate the charges levelled against the accused person,

As such prosecution failed to prove the case beyond shadows of all reasonable doubt, hence the accused person be given the benefit of acquittal.

Thereafter, with the consent of both sides the matter has come up for judgment today.

5. POINT FOR DETERMINATION :

5a. The question is whether on the basis of the evidence adduced on record prosecution has been able to prove its case beyond shadow of all reasonable doubt or not ?

6. FINDINGS & APPRECIATION OF EVIDENCE :

6a. Prosecution in support of the above alleged sections examined four witnesses out of five charge-sheeted witnesses.

PW1 in his examination-in-chief has stated that the occurrence took place on 26.09.2023 at about 11:00 PM while he was sleeping in his house. He stated that upon hearing a knock at the door, he woke up and opened it, whereupon two persons entered into his house, one armed with a knife and the other with a stick. He further deposed that both of them demaded Rs. 20,000/- and, upon his expressing inability, he handed over Rs. 3,000/- to them. He also stated that the said persons threatened to return after 15 days and asked him to arrange Rs.20,000/-. He further deposed that after a few days, at about 09:00-10:00 PM, he received a phone call on his mobile, wherein the caller demanded money and threatened to kill him. Thereafter, he informed the villagers and came to know that similar incidents had occurred with other persons as well. He further stated that on the basis of physical appearance, particularly the height of the persons, he suspected them to be Dasay Purty and Sukhram Purty, who belong to a nearby village. He also stated that the written report was prepared by the Gram Pradhan, Prabhu Sahay Soy, as per his instruction, on which he put his signature, marked as Ext. P1/PW1. He claimed to identify the accused persons on seeing who were present in court today.

During his **cross examination** he deposed that he has not filed any case against Nehamiya Soy. Nehamiya Soy has neither demanded ransom from him nor threatened him. He has no complaint against Nehamiya Soy. Nehamiya Soy is innocent.

PW2 in his examination-in-chief has stated that the incident took place on 26.09.2023 at night. At that time he was at his house. Next morning his uncle Khristochit Soy informed him about the incident occurred on the last night in which two persons entered to his uncle's home and shown weapon and stick and asked for ransom. He further claim to identify the accused persons on seeing who were on representation that day.

On the request of the prosecution, the witness is declared as hostile.

He told in his testimony/statement, that both the men has shown knife to his uncle and told him to give all the money which he had in his home otherwise he will kill him and his family members. On 11.10.2023, a meeting was held in the village about the incident in which he found that his uncle again got the call in the night before for the ransom of rupees 20,000 and he got to know that Saiko's hotel owner Dubraj Naag also got the call for ransom of rupees 1,00,000. On 12.10.2023 at about 08:00 hrs near the Baygada river four people were gathered near the river and one person

came out from the bushes for the money which was in his uncle's hand for which villagers tried to catch him in which a person caught. After that asking for his name he disclosed his name as Dasay Purti. It is not true that he is giving false testimony under influence of accused.

During his **cross examination** he deposed that no incident happened in front of him. His uncle did not tell the name of any accused or the names of the two persons who demanded ransom. He has no information who are the accused in this case. Police never took his statement.

PW3 in his examination-in-chief has stated that on 06.03.2024 he was posted as S.I. at Saiko P.S. As per orders of Officer-In-Charge Mukesh Kumar Hembrom, he took charge of further investigation of this case with all original papers and perused the case file. On 22.02.2024, 13.04.2024, 24.04.2024, 23.05.2024 after perusing the case diary, conducted raids against primary accused Sukhram Purti @ Lebra @ Choi @ Chuja and non-primary accused Nehamiya Soy @ Budhu but both were found absent from their respective houses. On 24.05.2024 he went to Hon'ble Court and requested arrest warrant against primary accused Sukhram Purti @ Leba @ Choi @ Chuja but could not obtain. On 26.06.2024 he got secret information that primary accused Sukhram Purti @ Leba @ Choi @ Chuja is bathing in a pond near forest of Ubaru village. They surrounded the spot with armed force and tried to arrest him but he took advantage of dense forest and successfully escaped dodging

police. On 04.04.2024, he obtained arrest warrant from Hon'ble Court against primary accused Sukhram Purti @ Leba @ Choi @ Chuja. On 07.07.2024, 13.07.2024 and 28.07.2024 he conducted continuous raid for execution of arrest warrant against primary accused but accused found absconding. On 19.08.2024 he obtained proclamation from Hon'ble Court against primary accused. On 20.08.2024 he reached primary accused Sukhram Purti's house and in presence of local independent witnesses beat drum and pasted proclamation copy at accused's house and village public place. Same day he raided house of non-primary accused Nehamiya Soy @ Budhu and found accused absconding from home. As per u/s 41(A) Cr.P.C. notice was served to Chandu Soy (brother of Nehamiya Soy) against Nehamiya Soy @ Budhu for compliance. On 28.08.2024 as per order of S.P. Khunti, he was transferred from Saiko P.S. to Police Centre Khunti.

During his **cross examination** he deposed that he did not arrest Nehamiya Soy, therefore he does not recognise him. Nehamiya Soy's name was not in the FIR. Before him, neither the complainant nor any other witness took the name of Nehamiya Soy as being involved in the incident. He did not obtain any warrant for Nehamiya Soy.

PW4 in his examination-in-chief has stated that on 08.09.2024 he was posted as S.I. at Saiko P.S. That day, as per the order of then Officer-In-Charge Mukesh Kumar Hembrom, he took charge of further investigation of this

case with all original documents and perused the case file. On 24.09.2024 he got information that accused Nehamiya Soy @ Budhu came to Saiko market. He raided saiko market with police force to catch him but he could not be caught. After that he raided Saiko market and Saiko Bazaar area, but accused was not found. Then he raided his house and village, but not found. On 25.09.2024 he recorded arrest statement of non-primary accused Nehamiya. He took his medical examination then produced accused before Hon'ble Court and sent to judicial custody. On 28.10.2024 he served 41(A) Cr.P.C. notice to non-primary accused Salan Hassa @ Chhuri. On 10.11.2024 he gave requested warrant in Murhu P.S. For serving notice, he departed from Murhu P.S. along with other patrolling tema of Murhu P.S. Notice served to non-primary accused. On 22.11.2024 as per order of senior Officer, FIR No. 17/2024 dated 22.11.2024 u/s 386/387/34 registered against non-primary accused Nehamiya Soy @ Budhu and primary accused Sukhram Purty investigation continued.

During his **cross examination** he deposed that Nehamiya Soy's name was not in the FIR. Before him, neither the complainant nor any other witness took the name of Nehamiya Soy as being involved in the incident. He took Nehamiya Soy's warrant. No criminal antecedent of Nehamiya Soy was found and no incriminating material was recovered from his possession. He submitted chargesheet against the accused only on the basis of confessional statement. It is not true that he did not record any

confessional statement of accused and submitted chargesheet without any evidence.

6b. Prosecution has alleged the accused person for offences u/s 386, 387, 34 Indian Penal Code. Let me examine whether the allegations has been proved by the prosecution or not ?

In order to prove its case, the prosecution examined only four out of the six charge-sheeted witnesses, who were examined as PW1 to PW4. Upon careful scrutiny of their testimonies, it emerges that **PW1**, the informant-cum-victim of the case, categorically admitted during his cross-examination that he had not lodged any case against accused Nehmiya Soy; that Nehmiya Soy had neither demanded any ransom from him nor ever threatened him; that he had no complaint whatsoever against Nehmiya Soy; and further stated that Nehmiya Soy is an innocent person. **PW2** did not support the prosecution case and was declared hostile. **PW3** and **PW4**, both of whom are the Investigating Officers of the case, also made material admissions during their cross-examinations. They categorically stated that the name of accused Nehmiya Soy does not find mention in the F.I.R. and that, during the course of investigation, neither the informant nor any of the witnesses implicated Nehmiya Soy in the alleged offence. In addition, PW3 stated that he did not even recognise accused Nehmiya Soy. PW4 further admitted

that nothing incriminating was recovered from the possession of accused Nehmiya Soy.

From the above discussion, evidently, there is nothing on record against the accused facing trial and this case is akin to a case of no evidence. Hence, the prosecution has failed to prove its case beyond shadows of all reasonable doubt.

O R D E R

7. Having given regard to the entire evidence brought on record by the prosecution I find that the prosecution has failed to prove its case beyond the shadows of all reasonable doubts and complicity of the accused person for the alleged offences **u/s 386,387,34 IPC**. Therefore, I find and hold the accused person namely, **Nehmiya Soy** not guilty of the alleged sections levelled against him and accordingly he is acquitted thereunder. In view of his acquittal, his sureties are discharged from the liabilities of their respective bail bonds.

(Dictated & corrected by me) (Pronounced by me in the open Court)

sd/-

(Amit Akash Sinha)

JMFC, KHUNTI

J.O. CODE:02040

Dated: 01.07.2026

sd/-

(Amit Akash Sinha)

JMFC, KHUNTI

J.O. CODE:02040

Dated: 01.07.2026