

In the Court of J.M., 1st Class, Palamau at Daltonganj. <i>District: Palamau</i> <u><i>Present:</i></u> Sri Ravi Shanker Pandey Judicial Magistrate, 1st Class, Palamau. Dated : 30th Day of July, 2026 <u>G.R. Case No. 68/2022</u> Chhattarpur P.S. Case No. - 207/2021 JHPL030002392022  Charges under sections 147, 148, 341, 323, 325, 504, 506 of IPC	
Prosecution	State through Ram Ji Prasad.
Represented by	Sri Jagarnath, Ld. APP.
Accused persons	1. Rakesh Soni @ Rakesh Kumar, 2. Pravesh Soni @ Pravesh Kumar, 3. Umesh Soni @ Umesh Kumar Soni, S/o All Ss/o Ramlakhan Soni, 4. Prema Devi, W/o Ramlakhan, 5. Poonam Devi, W/o Rakesh Kumar @ Rakesh Soni, 6. Lakshman Soni @ Lakshman Prasad, S/o Late Ramkishan Saw, 7. Lakhan Soni @ Ramlakhan Prasad, S/o Late Ramkishun Saw, All R/o Sunar Muhalla, PS Chhattarpur, Distt. Palamau.
Represented by	Sri Arun Kumar, Sri Prakash Ranjan and Sri Santosh Kumar Pathak, Ld. Advocates.

Date of offence	10.11.2021
Date of FIR	11.11.2021
Date of cognizance	12.01.2022
Date of charge	03.02.2023

Date of commencement of Prosecution evidence	16.03.2023
Date of statement recorded U/s. 313 Cr.P.C.	22.07.2026
Date of Judgment	30.07.2026
Date of sentencing order, if any	None

Rank of the accused	Name of accused	Date of arrest/surrender	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	Rakesh Soni @ Rakesh Kumar	27.11.21	27.11.21	u/ss 147, 148, 341, 323, 325, 504, 506 of IPC	Acquitted	None	None
A2	Pravesh Soni @ Pravesh Kumar	27.11.21	27.11.21	u/ss 147, 148, 341, 323, 325, 504, 506 of IPC	Acquitted	None	None
A3	Umesh Soni @ Umesh Kumar Soni	27.11.21	27.11.21	u/ss 147, 148, 341, 323, 325, 504, 506 of IPC	Acquitted	None	None
A4	Prema Devi	27.11.21	27.11.21	u/ss 147, 148, 341, 323, 325, 504, 506 of IPC	Acquitted	None	None
A5	Poonam Devi	27.11.21	27.11.21	u/ss 147, 148, 341, 323, 325, 504, 506 of IPC	Acquitted	None	None
A6	Lakshman Soni @ Lakshman Prasad	27.11.21	27.11.21	u/ss 147, 148, 341, 323, 325, 504, 506 of IPC	Acquitted	None	None
A7	Lakhan Soni @ Ramlakhan Prasad	27.11.21	27.11.21	u/ss 147, 148, 341, 323, 325, 504, 506 of	Acquitted	None	None

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LIST OF PROSECUTION/ DEFENSE/ COURT WITNESSES**A. Prosecution Witness, if any: Yes**

Rank	Name	Nature of evidence (Eye witness, police witness, expert witness, medical witness, Panch witness, other witness)
PW 1	Dhano Kunwar	Hostile
PW 2	Anar Devi	Hostile

B. Defence witnesses, if any: Nil**C. Court Witnesses, if any: Nil****LIST OF PROSECUTION/ DEFENSE/ COURT EXHIBITS:****A. Prosecution: Nil****B. Defence: Nil****C. Courts: Nil****J U D G M E N T**

1. The above named accused persons stand charged and faced trial for the offence punishable under sections 147, 148, 341, 323, 325, 504, 506 of IPC.

2. The prosecution story, in brief, as per the written application of the informant is that on 10.11.2021 at about 06:00 hour, when informant was returning from Chhattarpur bus stand after taking tea to his home. In the meantime, all the above named accused persons along with Payal Kumari, who are from informant's village, stopped him and assaulted him with lathi danda with intention to kill him, due to which he sustained serious injuries. On hearing commotion, villagers gathered at the place of occurrence then informant's life was saved. Informant's sons Raju Kumar and Munna Kumar were also attacked by the accused persons. After that, they were brought to Chhattarpur Sub Divisional Hospital, Chhattarpur from where they referred to Sadar Hospital, Medininagar for better treatment. Hence, this FIR was registered.

3. On the basis of written application of the informant Chhattarpur P.S. Case No. 207/2021 dt. 11.11.2021 registered for the offences under sections 147, 148, 341, 323, 325, 504 and 506 of IPC against all the above named accused persons along with Payal Kumari and after investigation, the IO of this case has filed charge-sheet against the accused namely Rakesh Soni @ Rakesh Kumar, Pravesh Soni @ Pravesh Kumar, Umesh Soni @ Umesh Kumar Soni, Prema Devi, Poonam Devi, Lakshman Soni @ Lakshman Prasad and Lakhan Soni @ Ramlakhan Prasad under sections 147, 148, 341, 323, 325, 504, 506 of IPC and accordingly, cognizance was taken on 12.01.2022 against the above named accused persons for the offences under sections 147, 148, 341, 323, 325, 504, 506 of IPC and case was kept in personal file of Ld. JMFC, Palamau for trial and disposal.

4. After completion of the appearance of the above named accused persons, police paper supplied to them and thereafter, charge has been framed and explained under sections 147, 148, 341, 323, 325, 504, 506 of IPC against aforesaid accused persons, in Hindi on 03.02.2023, to which they pleaded not guilty and claimed to be tried. In order to prosecution evidence this case was transferred to this court vide order dt. 19.07.2025.

5. In order to prosecution evidence, after issuance of summons, BW and letter to SP concerned for the production of witnesses, the prosecution has examined total two witnesses during oral evidence, thereafter evidence of prosecution was closed on 13.07.2026, followed by recording of statement of above named accused persons u/s 313 of Cr.P.C. on 22.07.2026, wherein the evidence available on the record was categorically denied.

6. The defence has given opportunity to adduce evidence but the defence has denied to examine any witness.

7. Now, the question for determination before this court is as to whether the prosecution has been able to prove the charges levelled against the accused persons beyond the shadow of all reasonable doubts

or not ?

FINDING

8. In order to establish the charges levelled against the accused persons, the prosecution has produced total two witnesses namely, PW 1 Dhano Kunwar and PW 2 Anar Devi .

9. **PW 1 Dhano Kunwar** and **PW 2 Anar Devi** have been declared hostile by the prosecution and they have not supported the version of FIR and they have stated in their cross-examination that in this case accused persons had sustained injuries.

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, IO and other charge sheeted witnesses has not examined by the prosecution. The witnesses produced by the prosecution have been declared hostile and they have not supported the case of the prosecution. So, in these circumstances the accused persons should be acquitted from the charges levelled against them.

11. Ld. A.P.P has submitted that all the processes have been issued for the examination of informant and other witnesses but they have not appeared. He has also conceded that both the witnesses have been declared hostile. Hence, proper order may be passed.

12. After having above discussion, the prosecution witness, 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 sections 147, 148, 341, 323, 325, 504, 506 of IPC., the prosecution has examined only two witnesses in this case, i.e. PW 1 Dhano Kunwar and PW 2 Anar Devi. On going through the evidence of these witnesses, it is apparent that they have been declared hostile and they have not supported the version of FIR. Apart from this, informant, Medical Officer, IO and other charge sheeted witnesses have not been examined by the prosecution. The written application, injury

report have not been proved. Thus, there is no evidence on record to prove the charges levelled against the accused persons, named above. Hence, the accused namely Rakesh Soni @ Rakesh Kumar, Pravesh Soni @ Pravesh Kumar, Umesh Soni @ Umesh Kumar Soni, Prema Devi, Poonam Devi, Lakshman Soni @ Lakshman Prasad and Lakhan Soni @ Ramlakhan Prasad are hereby acquitted from the charges under sections 147, 148, 341, 323, 325, 504, 506 of IPC.

13. The accused persons along with their bailors are also discharged from their respective liability of the bail bonds.

This judgment is delivered by me in the open court.

(Dictated and corrected by me) (Pronounced by me in open court)

Sd/-

Sd/-

(Ravi Shanker Pandey)
J.M., 1st Class, Palamau
Officer's ID : JH0656
Dated : 30.07.2026

(Ravi Shanker Pandey)
J.M., 1st Class, Palamau
Officer's ID : JH0656
Dated : 30.07.2026