



Annexure-I
In The Court of The Sub-Divisional Judicial Magistrate,
Chakradharpur, (Chaibasa)

Present:- Ankit Kumar Singh,
SDJM, Chakradharpur,
(Chaibasa),
JO Code:- JH02032

Chakradharpur, Dated this day of 03rd August, 2026
District- West Singhbhum
General Register Case No. - 67 of 2019
(Arising out of Chakradharpur PS Case No. 14 of 2019)
Trial Register No. 98 of 2026

Informant	State through Md. Arif , S/o Md. Nayeem, Resident of Post office road, Ward No. 10 Chakradharpur, P.S.- Chakradharpur, District- West Singhbhum.
Represented by	Sri. Mukesh Kumar Gupta, Ld. A.P.P., I/c.
Accused person	(A-1) Jawed Nehal , aged about 50 years , S/o Late Md. Ramjan Ali, Gender- Male, R/o- 3CH/21 Doctor M.N. Chatterjee Sarani, P.S:- Narkel Danga, District- Kolkata (West Begnal)
Represented by	Sri. Sukumar Daripa, Sri. Pranab Daripa, Ld. Advocate (s)

Annexure-II

Date(s) of offence	10-02-2019
Date of FIR	10-02-2019
Date of Charge-sheet	28-02-2019



Date of Cognizance	22-04-2019
Date of Charge framed	04-01-2020
Date of Commencement of evidence	14-01-2020
Date of Statement of the accused person under section 313 CrPC/351 of BNSS, 2023	18-02-2026
Date of Commencement of defence evidence	25-02-2026
Date on Judgment is reserved	21-07-2026
Date of the Judgment	03-08-2026
Date of Sentencing Order, if any	N/A

Accused Person details:-

Rank of the Accused	Name of the accused	Date of Arrest	Date(s) of Released on Bail	Offences charged with	Whether Acquitted or convicted	Sentenced imposed	Period of Detention Undergone during Trial for purpose of Section 428 Cr.P.C.
A-1.	Jawed Nehal	10.02.2019	13.02.2019	U/Ss. 323, 341 and 379 of the IPC, 1860	Acquitted	N/A	N/A

Annexure-III

List of Prosecution / Defence / Court Witnesses

A. Prosecution/Complainant

Rank	Name of the witness	Nature of Evidence/Description
PW-1	Sahid Hussain	Independent witness
PW-2	Vasi Ahemad	Independent witness
PW-3	Ayeesha Saiesta	Family witness



PW-4	Dr. Moiz Akhtar Ansari	Doctor
PW-5	Sunil Kumar Singh	IO

B. Defence Witness, if any:-

Rank	Name of the witness	Nature of Evidence/Description
DW-1	Jawed Nehal	Accused

C. Court Witness, if any:-

Rank	Name of the witness	Nature of Evidence/Description
NIL		

List of Prosecution/ Defence /Court Exhibits

A. Prosecution/complainant

Exhibit Number	Description	Proved by
P-1/PW-3	Written report	PW-3
P-1/1/PW-5	Endorsement on written report	PW-5
P-2/PW-4	Injury report	PW-4
P-3/PW-5	Formal FIR	PW-5

B. Defence:-

Exhibit Number	Description	Proved by
D-1/DW-1	Complaint made before Narkeldanga Police Station	DW-1
D-2/DW-1	RTI documents	DW-1
D-3/DW-1	Certified copy of the visitation order passed by the Alipore Court	DW-1
Mark-X	Printout of the Jharkhand Police website	DW-1
Mark-Y	Copy of complaint before the Human Rights Commission	DW-1



Mark-Z	UPI payment details relating to maintenance paid for children in the year 2024-25, 2025-26	DW-1
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C. Court Exhibits:-

Exhibit Number	Description	Proved by
NIL		

D. Material Objects:-

Exhibit Number	Description	Proved by
NIL		

J U D G M E N T

Charges under sections 323, 341 and 379 of the Indian Penal Code, 1860

1. Fact of the case:- The prosecution case in brief is that the criminal law was set into motion on the basis of the written report of informant, namely, Md. Arif, who alleged that on 10.02.2019 at about 1:10 P.M, his brother-in-law (Jija), namely Javed Nihal, came to the house to meet the children and in the meanwhile suddenly became aggressive, abused and assaulted his father, Md. Nayeem, who was about 70 years old and suffering from disease. It is further alleged that due to the assault, the informant's father sustained injuries and his life was endangered. Further alleges that his brother-in-law removed ₹2,000/- from the pocket of his father. Hence this case is.



2. On the basis of said written report of the informant, an FIR was registered as Chakradharpur PS Case No. 14/2019 dated 10.02.2019, for the offence alleged under Section 341/323/379 of the Indian Penal Code, 1860 against the accused A-1. After completing an investigation in this case, IO has submitted charge-sheet bearing no. 14/2019 dtd 28.02.2019 under the sections 341/323/379 of the Indian Penal Code, 1860, against the accused person, namely, A-1.

Accordingly, vide order dtd 22.04.2019, **Cognizance** has been taken under the sections 341/323/379 of the IPC, 1860 and consequently trial proceeded against the accused person A-1.

3. After the police papers have been supplied in terms of section 207 CrPC to the accused person, on 04.01.2020 charges under sections 323, 341, 379 of the IPC, 1860 were read over and the content of the same were explained to accused person A-1, in Hindi to which he pleaded not guilty and claimed to be tried. Thereafter, the prosecution side has adduced evidences in this regard.

4. Prosecution Evidences : The prosecution side has all together adduced five (05) witnesses in this regard, inspite of several chances provided to them.

5. PW-1, who is Independent witness of this case, has deposed in his examination-in-chief that on 10.02.2021 at about 1:00 P.M., after hearing an alarm, he went to the house of Md. Nayeem



and found the accused Javed Nihal, husband of Ayesha, assaulting Md. Nayeem by fists and kicks. He has also deposed that Ayesha was trying to rescue her father and that on seeing the local people, the accused fled away. He further deposed that the accused had come to meet his children. Moreover, he claims to identify the accused person.

During the course of his cross-examination, he has deposed that he had not seen the accused entering the house and reached the place of occurrence about 4–5 minutes after hearing the commotion. He further admitted that Md. Nayeem was his landlord, that he had never gone to the police station in connection with the case, and that he had not made any statement before the Investigating Officer. He also stated that the place of occurrence was situated in a market area. However, he denied the defence suggestion that he has deposed falsely at the instance of Ayesha and Md. Arif due to their renter.

6. PW-2, who is Independent witness of this case, has deposed in his examination-in-chief that on 10.02.2019 at about 1:00–1:15 P.M., after hearing cries for help, he went upstairs and saw Md. Nayeem lying on the ground while the accused Javed Nihal was assaulting him by kicks. He further stated that Ayesha was trying to intervene and that the accused fled away after seeing them.



Moreover, he claims to identify the accused person.

During the course of his cross-examination, he has deposed that he is renter of Md. Arif. Further the accused used to visit Ayesha's house and pursuant to a Court order, he visit the house to meet his children. Further deposed that he had not seen the accused entering the house. He further admitted that he had not gone to the police station, was not examined by the Investigating Officer, and had no knowledge about the matrimonial dispute between the parties. However, he denied the defence suggestion that he has deposed falsely at the instance of Ayeesha and Md. Arif due to their renter.

7. PW-3, who is family witness of this case, has deposed in her examination-in-chief that on 10.02.2019 at about 1:00–1:30 P.M., the accused/husband Javed Nihal came to her parental house to meet their daughter pursuant to a Court order. She further stated that the accused abused her and assaulted her father, Md. Nayeem, by catching his neck and kicking him, including on his private parts. She further deposed that on hearing the alarm, local people intervened and the accused left the place. She further stated that her father sustained injuries, was sent to the hospital by the police, and that the accused also removed ₹2,000/- from her father's pocket. She proved the written report was in his brother hand-writining and



bears his signature, thus, on identification marked as Exhibit-P-1/PW-3 and also claims to identify the accused.

During the course of her cross-examination, she has deposed that his husband/accused was arrested on the day of incidence and she don't know whether the money was recovered from his possession or not. Further she has deposed that she had seen the accused committing theft of ₹2000/- but don't know the denomination of the same right now. Further the accused had permission from the Court to meet their daughter and that they had been living separately since November, 2017. She further admitted that three cases had been instituted against the accused by her and her parental family and that she had not undergone any medical treatment for the minor injuries allegedly sustained by her in this case. She also stated that the accused had gone to the police station to lodge a missing the complaint of mobile phone. Further she has deposed that his father has made oral complaint about incidence but not in writing. Furthermore, she deposed that she as well as her brother did not sustain any injuries because her brother was not present at the place of occurrence. But she has sustained minor injuries but not get medically treated. However, she denied the defence suggestion that the present case had been falsely instituted by his brother, due to her matrimonial disputes.



8. PW-4, who is doctor of this case, has deposed in his examination-in-chief that on 10.02.2019 at about 2:55 P.M., while posted as Medical Officer, Sub-Divisional Hospital, Chakradharpur, he medically examined Md. Nayeem and found abrasions behind the left ear and on the right elbow, along with complaints of backache and headache. He opined that the injuries were simple in nature, caused by a hard and blunt substance, and were within six hours of examination. He proved the injury report as Exhibit-P-2/PW-4.

During the course of his cross-examination, he has deposed that he could not state the exact time when the injured was brought to the hospital or examined. Further deposed that such injuries could also be caused by a fall on a hard and rough surface. Adding further he did not know who had brought the patient to the hospital and injury report did not bear the hospital seal.

9. PW-5, who is IO of this case, has deposed in his examination-in-chief that on 10.02.2019, while posted as Assistant Sub-Inspector at Chakradharpur Police Station and he took up the charge of investigation after registration of the case. Further inspected the place of occurrence, recorded the statements of the informant, injured and other prosecution witnesses as well as collected the injury report of the injured. Furthermore deposed that he has arrested the accused and after finding the allegations true



during investigation, submitted charge-sheet under sections 341/323/379 IPC against the accused. He proved the endorsement on the written report which is marked as Exhibit-P-1/1/PW-5 and the formal FIR as Exhibit-P-3/PW-5

During the course of his cross-examination, this witness deposed that he can't tell whose shop were at the ground floor of place of occurrence and neither he has made witness to them. Further deposed that Md. Iqbal or teacher or any official mentioned in the boundaries were not made witnesses to this case. Further no independent witnesses from the locality were examined, no seizure was made during the investigation, and all the charge-sheet witnesses were members of the informant's family. He further admitted that the injury report did not bear the doctor's official seal and that certain details, such as the time of recording the informant's statement and the date of receipt of the injury report, were not mentioned in the case diary. However, he has denied the suggestion that his investigation is defective.

10. Further, no other witnesses were produced/adduced by the prosecution side. Thereafter, prosecution evidences were closed. After the closure of the prosecution evidences, record was fixed for the statement of the accused person, namely, A-1. Further, the statement of accused person [A-1] was recorded dtd 18.02.2026 in



terms of section 313 of CrPC/351 of BNSS, 2023 in Hindi to which he has categorically denied all the incriminating evidences available on record appearing against them and claimed to be innocent's.

11. On the other hand defence side has adduced one oral evidence ie. accused himself and some documentary evidences in this regard.

12. DW-1, who is accused of this case, has deposed in his examination-in-chief that that he is the accused in the present case and that his marriage with Ayesha Sahista was solemnized on 01.02.2015, out of which two daughters were born. He stated that since 11.11.2017, his wife had been living separately at her parental house along with the children and that whenever he attempted to visit his daughters, he was threatened with false criminal cases. He further stated that he had lodged a complaint with Narkeldanga Police Station regarding threats of visting to chakradharpur by mobile phone no. 9437106465 and thereafter obtained visitation rights from the competent court at Alipore to meet his daughters. According to him, on 10.02.2019, he visited Chakradharpur in terms of the visitation order, but was prevented from meeting his children, was allegedly assaulted and falsely implicated in the present case. He also stated that he had approached the police, but instead of extending assistance, a false case was registered against him. He



proved the complaint submitted before Narkeldanga Police Station as Exhibit D-1/DW-1, the RTI documents as Exhibit D-2/DW-1, and the certified copy of the visitation order passed by the Alipore Court as Exhibit D-3/DW-1. He further identified the printout of the Jharkhand Police website as Mark-X, the copy of his complaint before the Human Rights Commission as Mark-Y, and the UPI payment details relating to maintenance paid for his children as Mark-Z.

During the course of his cross-examination, this witness admitted that he had gone alone to his in-laws' house on the date of occurrence and had not lodged any written complaint regarding the alleged assault or threat by his in-laws. He also admitted that Mark-X did not bear any official seal or signature. However, he denied the prosecution's suggestion that he had assaulted his father-in-law or snatched money from him, and the present case had been falsely instituted against him.

13. Defence Arguments :- The Ld. Counsels on the behalf of the accused person pleaded complete innocence of the accused person [A-1] & submitted that the prosecution has failed to prove the charges beyond reasonable doubt. It has been further submitted that the case in hand is a classic example of malicious the proceedings instituted at the behest of Aisha Shaista, vindictive wife of the accused-husband in collusion and connivance with Chakradharpur



Police official and a counter-blast to the case filed by the accused-husband seeking custody of his child. There is no tangible and credible evidence on record to substantiate the allegations or to connect the accused with the alleged offences; still the police in collusion with the complainant submitted charge-sheet upon which the accused has been put on trial. The investigation suffers grave infirmities, glaring loopholes and is based on surmises and conjectures solely intended to humiliate and degrade the accused. That the arrest of the accused by the Chakradharpur in the instant case is absolutely whimsical, arbitrary, illegal and violative of constitutional safeguards. The conduct of the investigating officers, Sunil Kr. Singh demonstrates that he willfully, deliberately and with brazen proclivity disobeyed and flouted the sacred proviso of Article 21 of the Constitution of India and also the mandate of law enshrined under Section 41-A of CrPC as well as the guidelines issued in the case of Arnesh Kumar (Supra), D.K. Basu (supra), Joginder Kumar (Supra) and other landmark cases. That prosecution has deliberately withheld the material witness and as such this Ld. Court ought to infer that had they been produced they would not have supported the prosecution case as envisaged under illustration (g) of Sn. 119 of Bharatya Sakshya Adhiniyam, 2023. That the prosecution despite having more than fair chance (67 dates spreading over 07 years)



failed to produce key witnesses most importantly, the informant Md. Arif and alleged victim Md. Nayeem along with other witness Afsar Hussain into the witness box, reducing the trial to a mockery of law. That insofar as the witnesses (PW-1 to PW-3) produced by the prosecution, are not independent witness or of sterling and impeccable quality and that their testimony are inconsistent, contradicting and are full of material contradictions without corroboration and fail to inspire confidence and hence liable to be discarded. That PW-3 (Aisha Shaista) has committed grave and serious perjury under section 227 BNS, Sec. 229 BNS, Sn. 236 BNS and hence this Ld. Court must initiate proceedings against the said perjurer under section 379 BNSS (340 CrPC) for interests of justice. That the PW-4 has miserably failed to prove that the medico legal document as prepared and issued by him is authentic and verified by competent authority. There is no single statement relating to case history or to connect the accused to the instant case. That the prosecution has miserably failed to establish any motive as well as the mens rea attributable to the accused for the commission of the alleged offence. That the prosecution's failure to prove that the accused at any point of time obstructed or restrained or prevented Md. Nayeem from moving in any direction in which he had a right to proceed, no proceedings lie against the accused for offence



punishable under Sections 341 of IPC. That the so-called medico legal document by PW-4 (Medical Officer) is false and fabricated as purported document is not issued by Govt. hospital. A hospital stamp pad/official seal is crucial for establishing the authenticity of a document and in absence of such it has no credential of being a medico legal report under Sn. 74(1)(iii) of the Indian Evidence Act. The non-verified Medico legal report has some scribbling on a plain paper without bearing any serial number or letter-head or official seal of the Sub- Division Hospital, Chakradharpur. It is also not provided with other medical records such as OPD slips, treatment papers, prescriptions, or medical bills, to substantiate examination and treatment of Md. Nayeem by the Medical Officer at the Sub-Divisional Hospital at Chakradharpur. Pertinently, the said medical report does not disclose the name of the person causing assault or any details of the alleged incident or case history to connect the accused to the instant case and hence no case is made out against the accuse under Sn. 323 of the IPC. Further, submitted that there is no recovery of money alleged stolen either from the possession of the accused or at his pointing out hit the bar under Sn. 114 of the Evidence Act and therefore, no case is made out under Sn 379 of the IPC. That the ingredients of the sections charged with, have not been met at all and the contents of the charge-sheet as having committed



the offences alleged therein, are also devoid of substantial proofs and also in view of the settled position of law and facts and circumstances stated above, no case is made out against the accused under Section 341, 323 and 379 of the Indian Penal Code 1860.

14. Prosecution Arguments: On the other hand Ld. APP for the State has submitted that the prosecution has successfully proved its case beyond reasonable doubt. The testimony of the witnesses is natural, consistent and duly corroborated by the medical evidence as well as the Investigating Officer. The defence has failed to create any material contradiction or rebut the prosecution evidence. Therefore, the prosecution has established the guilt of the accused, who is liable to be convicted for the offences charged.

Point's for determination

Whether the prosecution side has been able to prove the charge/accusation under sections 323, 341 and 379 of the IPC, 1860 against the accused person (A-1) beyond the shadow of all reasonable doubt or not?

FINDINGS

15. Heard the submissions made by the learned APP for the State and the Learned Defence Counsel. Perused the entire case record, including the oral and documentary evidence adduced by the prosecution. On careful perusal, it transpires that the accused person



is facing trial in the present case under Section 323, 341 and 379 of the IPC, 1860. Before adverting to the merits of the case, it is pertinent to reiterate the settled principle of criminal jurisprudence that every accused is presumed to be innocent unless proven guilty beyond reasonable doubt. Further, in Talab Haji Hussain v. Madhukar Purushottam Mondkar, AIR 1958 SC 376, the Hon'ble Apex Court has held that a criminal trial begins with the presumption of innocence and the burden lies upon the prosecution to prove its case beyond all reasonable doubt by leading cogent, reliable and trustworthy evidence.

16. In the present case, an offences charges against the accused person is section 323, 341 and 379 of the IPC, 1860, which are:- Section 319 Hurt.—Whoever causes bodily pain, disease or infirmity to any person is said to cause hurt. Section 323 Punishment for voluntarily causing hurt.— Whoever, except in the case provided for by section 334, voluntarily causes hurt, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both. Furthermore, section 339 Wrongful restraint.— Whoever voluntarily obstructs any person so as to prevent that person from proceeding in any direction in which that person has a right to proceed, is said wrongfully to restrain that person.



Exception— The obstruction of a private way over land or water which a person in good faith believes himself to have a lawful right to obstruct, is not an offence within the meaning of this section.

Section 341 Punishment for wrongful restraint.— Whoever wrongfully restrains any person shall be punished with simple imprisonment for a term which may extend to one month, or with fine which may extend to five hundred rupees, or with both and

Lastly Section 378 define theft— Whoever, intending to take dishonestly any movable property out of the possession of any person without that person's consent, moves that property in order to such taking, is said to commit theft.

Explanation 1.—A thing so long as it is attached to the earth, not being movable property, is not the subject of theft; but it becomes capable of being the subject of theft as soon as it is severed from the earth.

Explanation 2.—A moving effected by the same act which effects the severance may be a theft.

Explanation 3.—A person is said to cause a thing to move by removing an obstacle which prevented it from moving or by separating it from any other thing, as well as by actually moving it.

Explanation 4.—A person, who by any means causes an animal to move, is said to move that animal, and to move everything which, in



consequence of the motion so caused, is moved by that animal.

Explanation 5.—The consent mentioned in the definition may be express or implied, and may be given either by the person in possession, or by any person having for that purpose authority either express or implied and section 379 of the IPC, state Punishment for theft— Whoever commits theft shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

I. In the present case, it has been alleged that the accused person while visiting to the house of informant house, committed assault on his father and took money from his pocket around ₹ 2000/- only. During the course of trial, most vital witness-cum-victim, namely, Md. Nayeem was not examined inspite of several chances. Furthermore, informant also could not examined as he is dead and one witness, namely, Md. Afsar is also dead.

II. Further from the perusal of the written report of informant, which was identified by PW-3, namely, Ayesha Saeista and marked as Exhibit P-1/PW-3, it transpires that the it has been alleged that the accused visited the house and became angry and caused assault on his father. Thus, there is impression caused by informant that any other person or persons were either abused or assaulted. Further there is no mention of any other family member,



independent member or the PW-1 to PW-3, who have seen the occurrence. It is true that FIR/written report is not encyclopedia to give every details but it is also true that vital parts or genuine details should not be left aside.

III. Furthermore, PW-1 and PW-2 claim to be the renter of the said house of informant fathers and they deposed that they have seen the occurrence after hearing hulla. Further PW-1 stated that PW-3 was intervening the fight. To this, I would like to state that informant who is the brother of PW-3 has never mentioned about the PW-3 or even the witnesses PW-1 or anyone while the said occurrence happened, which appears to be major contradictions/omissions and it goes to the root of the prosecution story. Adding further to PW-1 has itself deposed that he did not know the name of IO of this case and he has not given his statement before this (Para 14). Furthermore, PW-2 has also not mentioned about the presence of PW-1 who also alleged to be present while the occurrence. Further in Para no. 13 he has deposed that he don't know the name of IO and nor IO has visited him.

IV. Now coming to the testimony of PW-3, it appears that she has stated that accused firstly abused her and went to the room of his father the victim, namely, Md. Nayeem. Further the accused grab the neck of his father and assaulted him. During the course of assault the



accused also inflicted blow on private parts of the body of the victim. Further when there was hulla, then other residential persons arrived. Moreover, she has also deposed that the accused took 2000/- ₹ from the pocket of his father. During the course of cross-examination, she has deposed that she has seen the occurrence of theft but could not tell what denomination of the said money right now. To this I would like to state that she has deposed each and every details which has been occurred four years ago but she don't remember the denomination of rupees 2000/- right now, which create suspicion as it is not huge amount. Further on perusal of the same, she has admitted in para no 12 that the accused has visited her house to meet the children as per the court order, thus, there is no motive of causing hurt or committing theft by the accused when the nature is going smooth. Moreover, it is also a fact that the accused is an government employee. Adding further to that in para 17 it is also admitted by PW-3 that now till this date she and her family members have lodged three cases against the accused. Further she has deposed that after the incident her husband (accused) was talking to the neighbours and went to the police station. Further deposed that her father/victim have orally made complaint not written and also deposed that she as well as her brother did not sustain any injuries as his brother was not there. From the perusal of the testimony of PW-3,



it appears that the testimony of PW-3 is not wholly reliable and did not corroborated by any other testimonies as it is inconsistent. There are material contradictions appears to the testimonies of PW-1 to 3 and each did not corroborate other testimonies. On perusal of their testimonies it appears to be not cogent, credible or convincing rather they did not inspire the confidence of this court to believe their testimonies to be reliable as the witnesses PW-1 to PW-3 are appears to be motivated to lead the conclusion that the accused is guilty.

V. Furthermore, PW-4 who is medial officer, has exhibited the medical report/injury report of victim as P-2/PW-4 and discloses the injury of the victim. Moreover, from the perusal of the same, it also transpires that the injury report has no bearing of seal and stamp of the hospital. As the injury report has been prepared in the capacity of medial officer posted at Sub-Divisional Hospital Chakradharpur and not in the capacity of private, thereby, same has been issued in the capacity of hospital and stamp and seal of the hospital must be given for authenticity of the report.

VI. Coming further to the testimony of IO, it appears that in para no 15 he has deposed that he can't tell whose shop is that he don't know and neither he has made them as witnesses. Further he has not made any person as witnesses mentioned in the boundaries. Furthermore, he has admitted that it is true that all the witnesses



which have been mentioned in the charge-sheet are the family members and no other witnesses were made. To this I would like to state that PW-1 and PW-2 has stated that they are renter of the informant father and IO has deposed that all the family members of the informant were made witnesses, thus, the PW-1 and PW-2 have not discloses that they are also the family members of the informant. Further IO has deposed that he has not made the shop-keeper as a witnesses and PW-1 as well as PW-2 have deposed that they are shop-keeper. To this either the PW-1 and PW-2 are correct or IO is correct, thereby, their testimonies become unreliable and not trustworthy.

VII. Further, during the course of defence evidence, it appears that the accused himself produced as a witnesses and relied on various documents, which are marked as:-

Exhibit Number	Description	Proved by
D-1/DW-1	Complaint made before Narkeldanga Police Station	DW-1
D-2/DW-1	RTI documents	DW-1
D-3/DW-1	Certified copy of the visitation order passed by the Alipore Court	DW-1



Mark-X	Printout of the Jharkhand Police website	DW-1
Mark-Y	Copy of complaint before the Human Rights Commission	DW-1
Mark-Z	UPI payment details relating to maintenance paid for children	DW-1

VIII. Thus, from the perusal of the same, it appears that before this incident the accused has also made complaint before the officials in the year 2017, which is evident from Complaint made before Narkeldanga Police Station as D-1/DW-1. Further RTI documents also revealed that the accused has made complaint of unknown call from 9431706465 he has made complaint (exhibit D-2/DW-1). Thus, these actions/acts are prior to institution of this case, therefore, this fact is also relevant for determination of the conduct of the parties to each other.

IX. In conclusion, considering the above discussed facts and circumstances of this case, it appears that the materials witness that is victim of this case has not turned out to deposed his testimony although his daughter PW-3 have come. Furthermore, there is no credible evidence lead by the prosecution side that the accused has caused hurt to the victim. Further the charges alleged against the



accused person appears to be motivated and frivolous which is not duly proved. Moreover, it is admitted fact that there are three case have been made by the informant family and PW-3. There is no tangible, credible and convincing evidence on record to substantiate the allegations levelled against the accused for the alleged offences by any corroborative evidences and same has been not proved beyond the shadow of reasonable doubts. There is no concrete evidence on record that the accused has committed the offence of hurt, restrained and theft of ₹ 2000/-.

16. Reverting back to the facts and circumstances of the case and weighing the same on the touchstone of evidence adduced, this Court is of the considered opinion that the prosecution side has abysmally failed to establish the guilt of the accused person in connection of this case beyond the reasonable doubts.

Therefore, it is hereby

ORDER

That, considering the above discussed facts and circumstances of this case and materials available on record, I find and hold that the prosecution side has not been able to prove its case beyond the shadow of all reasonable doubts against the accused person (A-1). Therefore, the accused person, namely, **Jawed Nehal (A-1)**, is hereby **acquitted** of the charges under sections 323, 341 and



379 of the IPC, 1860. Since, he has been enjoying the privilege of bail, hence the bail bond's furnished on his behalf's are hereby cancelled and he as well as his bailors are discharged from the liabilities of their respective bail bond's.

The judgment is typed, corrected and pronounced in the open court by me, of this day, 03rd of August, 2026 and given in my hand, seal and signature of this court.

Sd/-
(Ankit Kumar Singh)
Sub-Divisional Judicial
Magistrate,
Chakradharpur, (Chaibasa)
JO Code:- JH02032

Sd/-
(Ankit Kumar Singh)
Sub-Divisional Judicial
Magistrate,
Chakradharpur, (Chaibasa)
JO Code:- JH02032