

Annexure-I

In the Court of Judicial Magistrate First Class <i>Present: Mrs. Sonam Vishnoi</i> <i>[Judicial Magistrate First Class]</i> [Date of Judgement 10-07-2026] District- Palamau [G.R. Case No. 1365/2020] [Arising out of Manatu P.S. Case No. 17/2020] JHPL030050652020 
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Informant	State through (Lalita Devi)
Represented By	Mr. Usman Gani, learned A.P.P.
Accused	1. Devendra Agrawal, aged about 45 years, S/o Late Tarachand Agrawal, 2. Sambhu Yadav, aged about 40 years, S/o Pairu Yadav, 3. Shanti Devi, aged about 60 years, W/o Late Tarachand Agrawal, All R/o Village Majhauli , P.S- Manatu, District-Palamau.
Represented By	Mr. Ramdev Prasad Yadav, Ld. Advocate

Annexure-II

Date of Offence	21.03.2020
Date of FIR	21.03.2020
Date of Charge sheet	27.07.2020, Charge-sheet No. 45/2020
Date of Substance of accusations	29.07.2024
Date of Commencement of evidence	13.11.2024
Date on which Judgment reserved	01.07.2026
Date of Judgment	10.07.2026
Date of Sentencing Order, if any	-none

Accused Details:

Rank of the Accused	Name of the Accused	Date of Arrest	Date of Released on Bail	Offences charge with	Whether acquitted or convicted	Sentence Imposed	Period of Detention Undergone during Trial for purpose of Section 428, Cr.P.C.
A1	Devendra Agrawal	26.03. 2021	26.03. 2021	u/s 323, 341, 504,506, read with sec. 34 of IPC	Acquitted	-	-
A2	Sambhu Yadav						
A3	Shanti Devi						

Annexure-III

List of Prosecution/Defence/Court Witnesses

A. Prosecution

Rank	Name	Nature of Evidence (Eye Witness, police witness, expert witness, medical witness, panch witness, other witness)
P.W.1	Md. Alim Ansari	Other Witness (Hostile)
P.W. 2	Mahraz Yadav	Other Witness (Hostile)
P.W. 3	Sunil Yadav	Other Witness (Hostile)
P.W. 4	Lalita Devi	Witness (Informant)
P.W. 5	Rajendra Prashad Agrawal	Eye Witness

B. Defence Witness, if any :

<u>Rank</u>	<u>Name</u>	<u>Nature of Evidence</u> <u>(Eye Witness, Police Witness, Expert Witness, Medical Witness, Panch Witness, other witness)</u>
<u>DW1</u>	<u>None</u>	<u>None</u>

C. Court Witness, if any :

<u>Rank</u>	<u>Name</u>	<u>Nature of Evidence</u> <u>(Eye Witness, Police Witness, Expert Witness, Medical Witness, Panch Witness, other witness)</u>
<u>CW1</u>	<u>None</u>	<u>None</u>

List of Prosecution/Defence/Court Exhibits

A. Prosecution:

<u>Sr. No.</u>	<u>Exhibit Number</u>	<u>Description</u>
<u>1</u>	P1/PW-4	Informant's signature on Written application dated 21.03.2020

B. Defence:

<u>Sr. No.</u>	<u>Exhibit Number</u>	<u>Description</u>
1	None	None

C. Court Exhibits:

<u>Sr. No.</u>	<u>Exhibit Number</u>	<u>Description</u>
	<u>None</u>	<u>None</u>

D. Material Objects:

<u>Sr. No.</u>	<u>Material Object Number</u>	<u>Description</u>
1	<u>MO1</u>	-----

J U D G M E N T

1. Accused persons, namely, (1) **Devendra Agrawal**, (2) **Shambhu Yadav**, and (3) **Shanti Devi**, faced trial for committing offences punishable under Sections 323, 341, 504, and 506 read with Section 34 of the Indian Penal Code.
2. The allegations are set out in the written report of the informant, Lalita Devi, wherein **it was** alleged that she and her husband had been called to village Manjholi for a Panchayat regarding a land dispute. It was decided that the crop standing on the disputed land would be removed by a JCB, the land would be measured and levelled, and lime would be applied. At about 4:00 P.M., the accused persons, namely Devendra Kumar Agrawal, Shanti Devi, Shambhu Yadav, and others, allegedly abused the informant and her husband, assaulted them, pushed them, strangled them, caused bleeding and other internal injuries, and extended threats to kill them and their family members. The informant and her husband were eventually rescued by the intervention of the local Panchayat members and other villagers. Thereafter, on 21.03.2020, the matter was reported to Manatu P.S., and an F.I.R. bearing Manatu P.S. Case No. 17/2020 was registered under Sections 323, 341, 504, and 506 read with Section 34 of the Indian Penal Code.
3. After investigation, the police submitted Charge-sheet No. 45/2020 dated 27.07.2020 under Sections 323, 341, 504, and 506 read with Section 34 of the Indian Penal Code against the above-named accused persons facing trial, and thereafter, cognizance under the same punishable offences was taken by this Court vide order dated 08.09.2020.
4. Vide order dated 29.07.2024 ,the substance of accusation for the offences under Sections 323, 341, 504, and 506 read with Section 34 of the

Indian Penal Code was explained to the above-named accused persons in Hindi, to which they pleaded their innocence and claimed to be tried. Accordingly, they were put on trial.

5. The statements of the accused persons under Section 313 of the Cr.P.C. were recorded, in which they pleaded innocence.
6. The main point for determination before me is whether the prosecution has been able to prove the charges against the accused persons beyond the shadow of all reasonable doubt.

F I N D I N G S

7. During the trial, the prosecution examined five witnesses, namely, P.W.1 Md. Alim Ansari, P.W.2 Mahraz Yadav, P.W.3 Sunil Prashad, P.W.4 Lalita Devi (Informant), and P.W.5 Rajendra Prashad Agarwal. On behalf of the prosecution, the Informant's signature on the written application was marked as Exhibit P-1/P.W.4.

The defence has not led any oral or documentary evidence.

8. From the testimonies of P.W.1 to P.W.3, it transpires that they have not corroborated the prosecution version and have turned hostile. Their evidence does not inspire confidence and fails to establish the prosecution case against the accused persons beyond reasonable doubt.
9. P.W.4, Lalita Devi (informant), in her examination in chief has stated that the incident occurred at about 4:00 P.M. on 20.02.2020. She was at her house in Jailhata when Shambhu Yadav called her husband to Manjhauli for measurement of the disputed land. She accompanied her husband to Manjhauli. There, Shambhu Yadav, Maharaj Mahato, Biru Yadav, Devendra Kumar, Shanti Devi, and Vikas Yadav abused them. Devendra Kumar and Shanti Devi allegedly exhorted the others to tie Rajendra Prasad (informant's husband) to a chair, beat him, and gouge out his eyes. When she attempted to rescue her husband, she was assaulted, and her throat was allegedly scratched by the accused persons. She stated that she thereafter went to the police station with her husband and lodged the report. The written application was prepared by the police on her instructions, read over to her, found to be correct, and signed by her. She identified her signature on the written application, which is marked as Exhibit P-1/P.W.4. She identified accused Devendra Agarwal in Court.

-Rest of the accused persons were on representation.

In her cross-examination, she deposed that the land dispute had been continuing since 2020. She did not know the phone number from which Shambhu Yadav had called her husband. She stated that Man-

jhauli village consisted of about 50 houses. She further stated that the village head, whose name she did not know, about 25 other persons, whose names she also did not know, and a journalist named Umesh were present at the time of the occurrence. She stated that the assault took place at Kusdi Sahabali Tand. She denied the suggestion that the allegation regarding gouging out Rajendra Prasad's eyes had not been mentioned in the written application given to the police. She stated that her husband had previously transferred the disputed land in the names of Shambhu Yadav and others, and also stated that he had earlier registered the disputed land in her name. She denied the suggestions that neither she nor her husband had been assaulted on the date of the occurrence.

10. P.W.5, Rajendra Pd. Agarwal (informant's husband), in his examination in chief has stated that the incident had occurred between 4:00 P.M. and 5:00 P.M. in the year 2020. He stated that work relating to his land at Manatu had been undertaken. At that time, Shambhu Yadav, Biru Yadav, Mahendra Yadav, Maharaj Mahato, and 7-8 other persons, whose names he did not remember, had arrived armed with pistols, and an extortion demand of ₹2 lakh had been made. It was further stated that an earlier demand of ₹2 lakh had also been made by Shambhu Yadav over the phone. Out of fear of the accused persons, he had taken shelter in a nearby bush. Thereafter, his wife Lalita Devi was abused and assaulted, injuries were caused to her, and he was also assaulted. He has further deposed that thereafter, he went to Manatu Police Station along with his wife, and a case was lodged. A further statement was subsequently recorded by the police. At para 04 he claimed to identify all the accused persons upon seeing them as they are on representation.

In his cross-examination, he has further deposed that an earlier demand of ₹2 lakh was made by the accused persons. He further stated that they have approached the police station for lodging a complaint, but no case was registered. He admitted that no application was submitted before the higher authorities after no action was taken by the police. He stated that treatment was provided to his wife by Dr. Rajiv Nayan for the injuries sustained due to the assault. He further stated that the related documents could not be produced before the Court. He admitted that a sale deed relating to the khata and plot involved in the incident had been executed in favour of Dipti Devi and the mother of Shambhu Yadav (co-accused), and that most of the sale consideration amount has been

received, while some amount is still unpaid. He admitted that the deed executed in favour of the accused was not read by him. He stated that no partition had been effected through the Court and that only an oral partition had taken place. He further stated that the sale deed had been executed with respect to his share in accordance with the oral partition. He stated that land relating to the same account and plot had also been registered in the name of his wife, and mutation had also been effected. He stated that two or three houses were situated adjacent to the place of occurrence and that a main road passed nearby, which was frequently used by members of the public. After hearing the commotion, 10–20 persons gathered at the scene. A case has also been filed by the accused regarding this very incident, in which they (informant's family) have obtained bail. The accused live in the village next to his, and he has known them from before, therefore, he recognized them.

11. The learned A.P.P. appearing for the prosecution prayed that the case be decided on its merits.
12. On the other hand, the learned counsel appearing for the accused persons argued that the prosecution had failed to substantiate the charges levelled against the accused persons beyond all reasonable doubt and, therefore, the accused persons deserved to be acquitted of the charges.
13. Heard the arguments and perused the case record. It appears that the accused persons are facing trial for offences under Sections ,323, 341, 504, and 506 read with Section sec. 34 of the Indian Penal Code. The prosecution has examined five witnesses in support of its case. Out of them, P.W.1 to P.W.3 have been declared hostile and have not supported the prosecution case. It is true that the evidence of a hostile witness is not to be discarded in toto and the testimony of the informant and the injured witness can, in an appropriate case, form the sole basis of conviction. However, such evidence must inspire confidence and should be of sterling quality.
14. P.W.4, (the informant), has alleged that the accused persons abused, assaulted, and attempted to strangle her and her husband. However, several improvements have been made by her during her deposition before the Court. She introduced the allegation that the accused persons exhorted others to tie her husband to a chair and gouge out his eyes, which does not find mention in the written report. She admitted that a large number of villagers, Panchayat members, and even

a journalist were present at the place of occurrence, yet none of such independent witnesses has been examined by the prosecution. No plausible explanation has been offered for such non-examination. This omission assumes significance in view of the fact that the occurrence allegedly took place in a public place where several persons had gathered.

The testimony of P.W.5, the husband of the informant, also suffers from material inconsistencies. While the prosecution's case as disclosed in the written report is confined to allegations of assault, abuse, wrongful restraint, and criminal intimidation, P.W.5 introduced an altogether new case by alleging that the accused persons arrived armed with pistols and demanded an extortion amount of 2 lakh. Such allegations are conspicuously absent in the written report as well as in the charge-sheet. These material improvements create serious doubt regarding the truthfulness of the prosecution version. His evidence further reveals the existence of an admitted civil dispute relating to the ownership and sale of the disputed land between the parties. He has also admitted that a counter case arising out of the same occurrence has been instituted by the accused persons against the informant's side. These admitted facts indicate that there was longstanding hostility between the parties, requiring the Court to scrutinize the prosecution evidence with greater caution.

15. The prosecution has also failed to produce any medical evidence to corroborate the allegation of assault. The absence of any medical evidence, though not always fatal, assumes importance in the facts and circumstances of the present case where the ocular evidence itself is not free from doubt. Although P.W.5 has stated that his wife was treated by a doctor after the occurrence, he admitted that no medical document could be produced before the Court. Neither the injury report nor the doctor who allegedly treated the injured has been examined..
16. It is further noteworthy that P.W.1, P.W.2, and P.W.3, who were examined by the prosecution, have not supported its case and have been declared hostile. Their evidence does not provide any corroboration to the testimony of P.W.4 and P.W.5. Apart from the interested testimony of the informant and her husband, there is no independent evidence connecting the accused persons with the alleged offences. The cumulative effect of the hostile witnesses, material improvements in the evidence of P.W.4 and P.W.5, non-examination of I.O. and available independent witnesses, and the admitted existence of a land dispute coupled with a counter case

creates reasonable doubt regarding the prosecution story. The prosecution is required to prove its case beyond reasonable doubt and cannot derive any benefit from the weakness of the defence. In the present case, the prosecution has failed to discharge that burden.

17. Thus on consideration of the evidence available on record and the discussions made hereinbefore, I have come to the conclusion that the prosecution has failed to prove the substance of accusations u/s 323, 341, 504, and 506 read with section 34 of the Indian Penal Code against accused persons accordingly,

Order

18. I find and hold accused persons namely as 1. Devendra Agrawal, 2. Sambhu Yadav and 3. Shanti Devi not guilty of the charges u/s 323, 341, 504, 506 of the I.P.C. They are acquitted there under. Accused persons are on bail, hence, they along with their bailors are discharged from the liabilities of their respective bail bonds.

Pronounced and delivered in the open court today .

(Dictated & Corrected by me)

(Pronounced by me)

Sd/-

(Ms. Sonam Vishnoi)

Judicial Magistrate First Class,

Palamau at Daltonganj

(Dated 10.07.2026)

JO Code JH00631

Sd/-

(Ms. Sonam Vishnoi)

Judicial Magistrate First Class,

Palamau at Daltonganj

(Dated 10.07.2026)

JO Code JH00631