

IN THE COURT OF Ms. Lucy Sosen Tigga, A.C.J.M., BOKARO Present: Ms. Lucy Sosen Tigga, A.C.J.M, Bokaro, Date of Judgement- 02.12.2022. <u>Case No.- G.R. Case No. 1017/2022</u>	
PROSECUTION	STATE (Through Raj Kumar Badaik)
COUNSEL OF THE PROSECUTION /STATE	Smt. Etmanil Bhowndara, Ld. APP.
ACCUSED	1. Md. Arshad Alam @ Md. Arshad Anjum @ Rocky and 2. Raju Kumar.
COUNSEL OF THE ACCUSED	Sri Pura Chandra Mahato, Ld. Advocate.

Details of F.I.R/Criminal and Police Station No.

	Case No.	Date	Offences	Number of the Accused persons	Name of the Accused persons
FIR	76/2022	16.08.2022	u/s 380, 411 R.W. 34 IPC	2	Arsad Alam @ Rocky and Raju Kumar
Chargesheet	01/2022	30.09.2022	u/s 380, 411 R.W. 34 IPC	2	Arsad Alam @ Rocky and Raju Kumar

Cognizance	Date	Offences	Number of the Accused persons	Name of the Accused persons
	06.10.2022	u/s 380, 411 R.W. 34 IPC	2	Arsad Alam @ Rocky and Raju Kumar

Name of the Accused persons	Date of first Appearance
Arsad Alam @ Rocky and Raju Kumar	<u>03.11.2022</u>

Date of supply of P.P	Name of the Accused persons
17.11.2022	Arsad Alam @ Rocky and Raju Kumar

Framing of charges	Date	Offences	Number of the Accused persons	Name of the Accused persons
	30.11.2022	u/s 380, 411 R.W. 34 IPC	2	Arsad Alam @ Rocky and Raju Kumar

Date of commencement of prosecution evidence	30.11.2022
Date on which statement u/s 313 of Cr.p.c recorded	01.12.2022
Date of commencement of defence evidence	-----
Date of the Arguments	01.12.2022

LIST OF PROSECUTION WITNESSES

Prosecution:

RANK	NAME	NATURE OF EVIDENCE
PW 1	Raj Kumar Badaik	Informant-cum-victim and interested witness.

LIST OF PROSECUTION/DEFENCE EXHIBITS**Prosecution:**

Sr. No.	Exhibit Number	Description
1	Exhibit P1/PW- 1	Written Application
2	Exhibit P2/PW- 1 & P3/PW- 1	Memo of Arrest

Defence:

Sr. No.	Exhibit Number	Description
-	--	----

J U D G E M E N T

1. Accused persons above named are facing trial for the offence u/s 380/411/34 IPC.

2. The factual matrix of this case in brief is that on 14.08.22 informant Raj Kumar Badaik's door of the house was open in the meanwhile some unknown miscreants entered inside his house and committed theft of HP Laptop and Dongel. After this incident he quarried with the nearby people and he came to know that two days before two unknown boys were roaming over there and on suspicion they quarried about those boys. On 16.08.22 at 10:30 a.m he came to know that two unknown boys had entered inside his house with intention of committing theft and they were apprehended by the neighbourers. On this information he came home and quarred them on quarry they disclosed their name as Arsad Alam @ Rocky and Raju Kumar. They also disclosed that on 14.08.22 they entered inside the house and committed theft of the Laptop as no body had seen them, hence they had again come over here with intention of committing theft. Hence, this case.

3. After examination of prosecution witnesses evidence was closed on his behalf. The statement of accused persons was recorded u/s 313 Cr.P.C on 01.12.22. The accused persons pleaded innocence.

4. Now the question arises before the court whether the prosecution has been able to prove charge levelled against the accused persons beyond the shadow of reasonable doubt or not ?

FINDINGS

5. In order to establish this case prosecution has examined only one witness namely :-

P.W. 1 Raj Kumar Badaik (Informant)

6. **P.W. 1 Raj Kumar Badaik** in his examination in chief he has deposed that this incident is of 14.08.22. At the time of incident he was on his duty, he received a telephonic information from his house that a Laptop and Charger has been stolen in which two persons have been apprehended. On this information he came home and he quarried with the apprehended persons and they admitted the theft of Laptop. One of the apprehended person called his brother and he came along-with Laptop, in the meantime police personnels came over there and took them to the concerned P.S along-with the Laptop. He informed to the P.S officials and gave a written application to which he has identified, prove and marked as Ext. P1/PW-1. Further he has also identified the arrest memo prepared by the police personnels and he has also identified and proved the arrest memo as marked as Ext. P2/PW-1 and P3/PW-1. Further he has claimed to identify both the accused persons.

In his cross-examination he has deposed that he has not seen anyone committing any theft and he has not apprehended any of the accused persons and he does not know the names of the accused persons. He had recovered his Laptop. Laptop was not recovered from the possession of the accused persons. He has compromised this case with the accused persons and he does not want to proceed further with the case.

7. Heard the arguments advanced on behalf of both the parties at the length and perused the entire record, from perusal of the record it appears that the above named accused persons are facing trial for the alleged offence u/s 380, 411 R.W. 34 IPC. Prosecution in this case has examined a sole witness who is the informant of this case. He has identified and proved the written application which is marked as exhibit. In his examination in chief he has admitted the factum of theft of Laptop from his dwelling house. But in his cross-examination he has deposed he has not seen anyone committing the

theft from his house and none of the stolen articles were recovered from the possession of the accused persons nor they were concealing such a property which was of the informant. Further the sole witness has admitted the factum of compromise which has taken with both accused persons and he also deposed he does not want to proceed further with the case. Further it is also evident from the record that prosecution has not examined any other witnesses and both the alleged sections are compoundable with the permission of the court and a joint compromise petition along-with the permission petition has also been filed before the court by both the parties.

8. Considering the facts and circumstances of the case I find that there is no cogent and reliable evidence against both the accused persons. Further I also find that both the parties have compromised their case as they do not want to proceed with this case.

9. On the basis of above made discussion I am of the considered opinion that prosecution has miserably failed to establish the case beyond the shadow of all reasonable doubts against accused persons namely Arsad Alam @ Rocky and Raju Kumar for the alleged offence u/s. 380, 411 R.W. 34 of I.P.C.

Accordingly accused persons namely Arsad Alam @ Rocky and Raju Kumar are hereby **acquitted** of the charges u/ss. 380, 411 R.W. 34 of IPC. As both the accused persons are in custody. O/C is hereby directed to issue a release order and Jail Superintendent is hereby directed to release both the accused persons if not wanted in any other case.

(Dictated & corrected by me)

Sd/-

(Lucy Sosen Tigga)
A.C.J.M, Bokaro.
Dated : 02.12.22.

Sd/-

(Lucy Sosen Tigga)
A.C.J.M, Bokaro.
Dated : 02.12.22.

