

Annexture-I

JHSK030031802022	
	
<u>IN THE COURT OF CHIEF JUDICIAL MAGISTRATE, AT</u> <u>SERAIKELLA-KHARSAWAN</u> Present :- Lucy Sosen Tigga Chief Judicial Magistrate, Seraikella-Kharswan Officer ID NO. JH00606 Date of Judgment: 24.01.2026 District: Seraikella-Kharsawan <u>G.R. Case No. 575/2024</u> <u>(Arisen out of Seraikella P.S. Case No. 66/2022)</u> CNR No. JHSK030031802022	
Informant/ Complainant	Kamal Murmu
Represented By	Sri Deo Pratap Tiwari, Ld. APP.
Accused	Shivraj Jojo alias Siril Jojo, aged about 26 years, son of late Soma Jojo, R/o Mouza Raidih Basti, Adityapur-2, P.S. RIT, District-Seraikella-Kharswan
Represented By	Sri Naiki Hembram, Ld. Advocate

Offence u/s 25(1-B)a, 26(1) of Arm Act	
Date of Offence	02.06.2022
Date of FIR	02.06.2022
Date of charge-sheet	05.10.2022
Date of framing of charges	13.06.2023
Date of commencement of evidence	03.08.2023
Date of recording of statement u/s 313 of Cr.P.C.	06.01.2026
Date of judgment is reserved	13.01.2026
Date of the Judgment	24.01.2026

Annexture-II
Accused Details

Rank of the accused	Name of the accused	Date of arrest	Date of release d on bail	offence charged with	Whether acquitted or convicted	Sent ence imposed	Period of detentio n undergo

							ne during the trial for purpose of section 428 of the Cr. P.C.
A-1	Shivraj Jojo alias Siril Jojo	N.A.	N.A.	u/s 25(1-B)a, 26(1) of Arm Act	Acquitted	N.A.	N.A.

Annexture- III
Evidence adduced by the prosecution
(A) Oral Evidence:-

Rank	Name of the witnesses	Nature of the Evidence
P.W.-1	Soma Toppo	Police witness
P.W.-2	Agastin Kispotta	Police witness
P.W.-3	Kamal Murmu	Informant witness

(B) Documentary Evidence:-

SL. no.	Exhibits number	Description of the Documents
1	Ext-P-1/P.W.-1	Signature in seizure list
2	Ext-P-2/P.W.-1	Signature in seizure list
3	Ext-P-3/P.W.-1	Signature in Memo of arrest
4	Ext-P-4/P.W.-2	Signature in seizure list
5	Ext-P-5/P.W.-2	Signature in seizure list
6	Ext-P-6/P.W.-2	Signature in Memo of arrest
7	Ext-P-1/1/P.W.-3	Signature in seizure list
8	Ext-P-2/1/P.W.-3	Signature in Seizure list
9	Ext-P-3/P.W.-3	Memo of arrest
10	Ext-P-7/P.W.-3	Self written application

Evidence by the Defence :- Not any

JUDGMENT

1. Accused person namely **Shivraj Jojo alias Siril Jojo** who is in custody is facing this trial for the offence u/s 25(1-B)a, 26(1) of Arm Act.
2. The Factual matrix of this case in brief, as per self written statement is that on 02.06.2022 the informant with constable Soma Toppo, Police

380 Agastin Kispotta and police 1125 Sanjeev Gope was on day patrolling duty. During the patrolling he with police forces reached village Mathadih at about 10:45 hours and a person on seeing the police party started fleeing away. He was chased and apprehended by the police personnel. On search a country made pistol was recovered from his possession and he disclosed his name as Nagendra Samad and he failed to produce any valid documents of said arms. The said arms were seized properly by preparing a seizure list. Accused Nagendra Samad disclosed the name of accused Debraj Mahato on the confession as said arms purchased from him and Devraj Mahato disclosed the name of the accused Shivraj Jojo. Hence this case.

3. On the basis of the written application of the informant namely Kamal Murmu , Seraikella P.S. Case No. 66/2022 was registered on 02.06.2022 and I.O. namely Vidhayak Prasad Yadav (S.I.) took up the investigation of the case. On completion of the same he submitted charge-sheet No. 66/2022, dated 05.10.2022 against accused person namely Shivraj Jojo alias Siril Jojo.

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

F I N D I N G S

5. **P.W.-1 Soma Toppo**, in his examination in chief, he has deposed that on 02.06.2022 he was posted at Seraikella P.S. as constable. On that day, he along with S.I. Kamal Murmu, constable Agastin Kispotta and constable Sanjeev Gope had went for day patrolling . At about 10:55 hours

they reached at Mathadih Upartola where one boy after seeing the police personnel, started fleeing away from there. The police personnel chased and apprehended him. On query he disclosed his name as Nagendra Samad. His search was made wherein they recovered a pistol having two barrel from his left side of the waist fastened in his jeans pant. On demanding papers pertaining to the arms, he did not give any satisfactory reply. The arms were seized and the seizure list was prepared in which he has putted his signature as a witness to which he has identified proved and marked as Ext-P-1/P.W.-1 which was substituted from the original record i.e. G.R. Case No. 497/2022. A redmi mobile was recovered from the possession of Nagendra Samad having JIO SIM. The mobile was also seized and the seizure list was prepared in which he has putted his signature to which he has identified proved and marked as Ext-P-2/P.W.-1 which was substituted from the original record i.e. G.R. Case No. 497/2022. Accused Nagendra Samad was apprehended and arrested and arrest memo was prepared in which he has putted his signature as a witness which is marked as Ext-P-3/P.W-1 which was substituted from the original record i.e. G.R. Case No. 497/2022. After that, the arrested accused persons were brought to the concerning P.S. Further he has claimed to identify the accused who is on representation. Accused Shivraj Jojo alias Siril Jojo was apprehended later on due to which he cannot identify him.

In his cross-examination, he has deposed that today he is deposing in Seraikella P.S. Case No. 66/2022. Accused Nagendra Samad is not accused in this case. The notice issued to him which bears G.R. Case No. 575/2022 corresponding to Seraikella P.S. Case No. 66/2022. The name of

the accused is Nagendra Samad and he can identify him. He does not know that as to the seizure list bears the signature of the accused person or not. He had putted his signature on a paper at the place of occurrence. He does not have any information about the occurrence.

6. **P.W.-2 Agastin Kispotta** in his examination in chief, he has deposed that on 02.06.2022 he was posted at Seraikella P.S. as constable. On that day, he along with S.I. Kamal Murmu, constable Soma Toppo and constable Sanjeev Gope had went for day patrolling . At about 10:55 hours they reached at Mathadih Upartola where one boy after seeing the police personnel, started fleeing away from there. The police personnel chased and apprehended him. On query he disclosed his name as Nagendra Samad. His search was made wherein hey recovered a pistol having two barrel from his left side of the waist fastened in his jeans pant. On demanding papers pertaining to the arms, he did not give any satisfactory reply. The arms were seized and the seizure list was prepared in which he has putted his signature as a witness to which he has identified proved and marked as Ext-P-4/P.W.-2 which was substituted from the original record i.e. G.R. Case No. 497/2022. A redmi mobile was recovered from the possession of Nagendra Samad having JIO SIM. The mobile was also seized and the seizure list was prepared in which he has putted his signature to which he has identified proved and marked as Ext-P-5/P.W.-2 which was substituted from the original record i.e. G.R. Case No. 497/2022. Accused Nagendra Samad was apprehended and arrested and arrest memo was prepared in which he has putted his signature as a witness which is marked as Ext-P-6/P.W.-2 which was substituted from the original record i.e. G.R. Case No. 497/2022. After that, the arrested

accused persons were brought to the concerning P.S. Further he has claimed to identify the accused who is on representation. Accused Shivraj Jojo alias Siril Jojo was apprehended later on due to which he cannot identify him.

In his cross-examination, he has deposed that this incident is of 02.06.2022. Nagendra Samad is accused in this case. He does not know about other accused person. On the alleged day of incident he was present at the place of occurrence. He had putted his signature over the seizure list. A country made pistol and Redmi mobile was recovered.

7. **P.W.-3 Kamal Murmu** in his examination in chief, he has deposed that on 02.06.2022 he was posted at Seraikella P.S. as ASI. On that day, he along with constable Soma Toppo and constable Sanjeev Gope and constable Agastin Kistoppa had went for day patrolling . At about 10:55 hours they reached at Mathadih Upartola where one boy after seeing the police personnel, started fleeing away from there. The police personnel chased and apprehended him. On query he disclosed his name as Nagendra Samad. His search was made wherein hey recovered a pistol having two barrel from his left side of the waist fastened in his jeans pant. On demanding papers pertaining to the arms, he did not give any satisfactory reply. The arms were seized and the seizure list was prepared in which he has putted his signature as a witness to which he has identified proved and marked as Ext-P-1/1/P.W.-3 which was substituted from the original record i.e. G.R. Case No. 497/2022. A redmi mobile was recovered from the possession of Nagendra Samad having JIO SIM. The mobile was also seized and the seizure list was prepared in which he has putted his signature to which he has identified proved and marked as Ext-

P-2/1/P.W.-3 which was substituted from the original record i.e. G.R. Case No. 497/2022. Accused Nagendra Samad was apprehended and arrested and arrest memo was prepared in which he has putted his signature as a witness which is marked as Ext-P-3/P.W-3 which was substituted from the original record i.e. G.R. Case No. 497/2022. After that, the arrested accused persons were brought to the concerning P.S. Further regarding this occurrence, a written application was given to the then P.S. in-charge which is in his signature and handwriting to which he has identified proved and marked as Ext-P-7/P.W.-3.

In his cross-examination, he has deposed that except the apprehended accused, he does not identify any of the accused persons. The name of the accused person is Nagendra Samad. He does not have any information with regard to the accused who is facing this trial.

13. Heard. The arguments advanced on behalf of both the parties at length. Learned APP appearing on behalf of the prosecution has submitted that prosecution in this cases has examined altogether three witnesses including informant. The witnesses examined in this case have duly supported the factum of occurrence. Even the articles seized has been duly marked as exhibit and the oral and documentary evidence are duly corroborated with each other. Hence Prosecution in this case has succeeded in proving this case beyond the shadow of all reasonable doubt. Hence, the above named accused person deserves conviction.

Per contra, learned defence counsel appearing on behalf of the above named accused person has submitted before the court that the witnesses examined in this case are the official witnesses of the police department and they are highly interested witnesses and no independent

witnesses were produced before court and the witnesses examined in this case have not identified the accused person. Hence, the prosecution in this case has miserably failed to prove this case beyond the shadow of all reasonable doubts. Hence the above named accused person deserves to be acquitted.

8. Heard the argument advanced on behalf of both the parties at length and perused the entire case record coupled with the documents and from the perusal of the entire case record, it appears that the above named accused person is facing trial in this case for the offences u/s 25(1-B)a, 26(1) of Arm Act. Now on the basis of alleged charges, I would like to discuss the evidence of the witnesses. P.W.-1 who has supported the factum of occurrence but during his cross-examination, he has deposed that the name of the accused is Nagendra Samad and he can identify him. He does not know that as to whether the seizure list bears the signature of the accused person or not. He had putted his signature on a paper at the place of occurrence. He does not have any information about the occurrence. P.W.-2 who also happens to be the member of the raiding party in his examination in chief supported the factum of occurrence. During his cross-examination, he has deposed that this incident is of 02.06.2022. Nagendra Samad is accused in this case. He does not know about other accused person. On the alleged day of incident he was present at the place of occurrence. He had putted his signature over the seizure list. A country made pistol and Redmi mobile was recovered. P.W.-3 who happens to be the informant of this case has also supported the factum of the occurrence. In his cross-examination, he has deposed that except the apprehended accused, he does not identify any of the accused persons. The

name of the accused person is Nagendra Samad. He does not have any information with regard to the accused who is facing this trial.

In this instant case, it is evident that the accused person who is facing this trial for the offences punishable u/s 25(1-B)a, 26(1) of Arm Act and altogether three witnesses have been examined in this case.

On carefully scrutinizing the evidences as brought by the prosecution, the court finds that the prosecution sanction order is also not brought on the record by the prosecution. Investigating Officer of this case along with the seizure list witnesses are not been examined. Besides that the court also finds that the articles seized in this case is also not brought on the record by the prosecution and the witnesses examined in this case though had corroborated the evidence about the recovery of a pistol having two barrel of which the seizure list has been prepared but none of the witnesses have stated the recovery of the said arms from the possession of this accused person. In absence of the examination of the seizure list witnesses and seizure list which is prepared pertaining to the alleged pistol havng two barrel besides that the entire contents of the seizure list has not been proved which is the settled principle of evidence that the prosecution has to prove its case beyond all reasonable doubts. About the identification of accused person, the witness P.W.-3 who is the most vital and prime witness and informant of this case on whose self written statement, this case was instituted has deposed that except the apprehended accused, he does not identify any of the accused persons. He does not have any information with regard to the accused who is facing this trial that means the benefit of doubt is extended to the sole accused person who is facing this trial.

9. On meticulously going through the entire judicial record, I find that there is no cogent, reliable, substantive as well as corroborative piece of evidence to establish the charges against the accused person.

10. On the basis of the above made discussion and evidence available on the record, I am of the opinion that the prosecution has not been able to prove its case u/s 25(1-B)a, 26(1) of Arm Act against the accused person namely **Shivraj Jojo alias Siril Jojo** beyond the shadow of all reasonable doubts.

Hence the accused person namely **Shivraj Jojo alias Siril Jojo** is hereby acquitted for the charges u/s 25(1-B)a, 26(1) of Arm Act. As the accused person is in custody, hence office clerk is directed to issue release order at once and Jail Superintendent is directed to release the said accused if not wanted in any other cases.

(Dictated & Corrected by me)

Judgment Pronounced in open court.

Sd/-
(Lucy Sosen Tigga)
Chief Judicial Magistrate
Seraikella-Kharswan
Dated:- 24.01.2026
Officer ID NO. JH00606

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(Lucy Sosen Tigga)
Chief Judicial Magistrate
Seraikella-Kharswan
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