

FORM A

IN THE COURT OF CHIEF JUDICIAL MAGISTRATE, BUXAR

Present: Sri Devesh kumar

Date of Judgment- 21/11/2024

G.R. Case NO. 939/2022

Registration Number: 1970/2022

FIR Number: Krishnabrahm P.S. Case Number 253/2022

FIR under sections 498A of the Indian Penal Code and 3/4 DP Act.

Complainant	State of Bihar
Represented by	Ld. SDPO
Accused	1 Hira thakur, aged about 67 years 2 Dilip thakur, aged about 31 years 3 Shushila devi (since died). 4 Rohit Thakur aged about 21 years 5 Munni devi, aged about 35 years, All R/o Barhatand P.S.- Brahmpur, District – Buxar
Represented by	Ld. Counsel Sri Imran khan

FORM B

Date of offence	Not written
Date of FIR	13/04/2022

Date of Charge sheet	19/11/2022
Date of framing of Charges	19/11/2024
Date of commencement of evidence	19/11/2024
Date on which judgment reserved	21/11/2024.
Date of the Judgment	21/11/2024.
Date of the sentencing order, if any	Not applicable.

Details of the Accused

Rank of the accused	Accused Number 1	Accusd Number 2	Accusd Number 3	Accused Number 4	Accused Number 5	Accusd Number 6
Name of the accused	Hira thakur, aged about 67 years R/o Barhatan P.S.- Brahmpur, District – Buxar	Dilip thakur, aged about 31 years R/o Barhatand P.S.- Brahm pur, District – Buxar	Shush ila devi (since died). R/o Barhatand P.S.- Brahm pur, District – Buxar	Rohit Thakur aged about 21 years R/o Barhatand P.S.- Brahm pur, District – Buxar	Munni devi, aged about 35 years, R/o Barhatand P.S.- Brahm pur, District – Buxar	
Date of arrest	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.
Date of	14.11.2024	do	---	do	do	do

release on bail						
Offences Charged with	S. 498A/34 of I.P.C.	do	do	do	do	do
Whether Acquitted or convicted	Acquitted	do	do	do	do	do
Sentence Imposed	N.A.	do	do	do	do	do
Period of Detention undergone during trial for the purpose of section 428 of Cr.P.C.	N.A.	do	do	do	do	do

FORM C

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)
PW1	Kajal devi	Informant.

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B Defence Witnesses, if any: -Nil

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
	Not applicable	Not applicable

C Court Witnesses, if any: Nil

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
CW1	Not applicable	Not applicable

LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS

C.A. Prosecution:

Sr. No	Exhibit Number	Description
1.	EXT. 1	Signature of informant upon written report
2.		
3.		
4.		
5.		
6.		
7.		

C.B. Defence:

Sr. No.	Exhibit Number	Description
1		
2		
3.		

• **C.C. Court Exhibits – Nil**

Sr. No.	Exhibit Number	Description
1	Not applicable	Not applicable

C. D. Material Objects – Nil

Sr. No.	Material Object Number	Description
1	Not applicable	Not applicable

JUDGMENT

- 1 The present case emerges from FIR under sections 498 of the Indian Penal Code, 1860 and 3/4 DP Act. at brahmpur bearing FIR no. 253/1992
- 2 The case of the prosecution in brief as per FIR is that informant was subjected to cruelty by the accused persons.
- 3 The charges were framed under sections 498A of I.P.C. on 19/11/2024. The same was read and explained over accused persons in hindi to which the accused persons pleaded not guilty and claimed to be tried.
- 4 On dated 26-04-22 a joint compromise petition was submitted upon which parties and their Ld. Advocate signed.
- 5 Proceeding against accused Shushila devi was dropped due to her death.
- 6 The statement of accused persons under section 313 of the Code of Criminal Procedure, 1973 were also be recorded in which they claimed themselves to be innocent.
- 7 The case of the defence is one of the denial of the alleged offence and innocence of the accused persons.

POINT FOR DETERMINATION

- 8 Now, the question which falls for consideration before this court is that whether the prosecution has been able to prove its case beyond the shadow of the reasonable doubt.

FINDINGS, MARSHALLING AND APPRECIATION OF EVIDENCE

- 9 Upon perusal of the record, it emerges that prosecution has produced only one witness :-

PW 1 Kajal devi

Prosecution has produced Ext1 his signature on complaint as

documentary evidence.

10 Per contra, no witnesses have been examined on behalf of the accused persons/ defence nor produced any documentary evidence.

11 PW 1 informant supported the case of prosecution in her examination in chief. She identified her signature on written report the same was marked as Ext. 1 . In her cross examination she stated that she compromised the case voluntarily with all accused . No one treated her with cruelty. Further she stated that she doesnot want to proceed in this case and compromised with all accused voluntarily.

12 Ld defence counsel argued thar case is compromised. Accordindly he prays for acquittal of accused. Ld DPO doesnot oppose the argument of defence.

13 Upon perusal of the record and hearing the submission of ld. Counsels for both the parties, it appears that informant and sole victim of this case cmpromised the case voluntarily. In her cross examination she stated that she compromised the case with all accused voluntarily. Further she stated that she doesnot want to proceed in this case and compromised with all accused voluntarily. No one trated her with cruelty.

14 This court is of considered opinion in light of material on record that Complainant and sole victim of this case compromised the case with all accused voluntarily and no dispute left between parties. Informant in her cross examination stated that she compromised the case with all accused voluntarily. Further she stated that she doesnot want to proceed in this case and no one treated her with cruelty . offense u/s 498A IPC is not proved. Accordingly, this court deems it fit to acquit accused persons.

ORDER

In the light of material available on record, the argument of learned counsels of both the sides, this court is of considered opinion that accused persons namely Dilip thakur,Hira thakur,Rohit thakur and munni devi deserve to be acquitted and are accordingly acquitted. The sureties are discharged from their liabilities as to bail bond. Accused persons are set at their liberty. Warrant of arrest, if any, issued by this court in relation to the arrest of the accused persons stands cancelled. The case stands disposed off.

Typed and Corrected by me

Pronounced by me in the open court

SRI DEVESH KUMAR, CJM

SRI DEVESH KUMAR, CJM,

BUXAR

BUXAR

Dated 21-11-2024

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