



Court: Judicial Magistrate, Sarwar, District Ajmer

Presiding officer : Kartik Sharma (R.J.S.)

**Criminal regular no.: 102/24
CIS no. : 102/24**

State of Rajasthan ... **Prosecution**

versus

Ganeshi Devi w/o shree Omprakash R/o Chakvi P.S. Sarwar,
Distt.Ajmer

...**Accused**

Offence u/sec 341,323 IPC

Presence:

- Assistant Public Prosecutorlearned counsel for prosecution
- Advocate Prahlad mali, Ajay kumar Saini,..... learned counsel for accused

JUDGEMENT

Date: 17/03/2026

1. The brief facts of the case is that on 29/06/2023, complainant Mrs. Maan Kanwar was working for NAREGA in village Chakvi, where she was attacked by accused Ganeshi Devi,Ramgopal,Suraj,Babulal and Omprakash. They beat the injured with sticks and also removed her Odhani in order to outrage her modesty. The workers working near by intervened and saved her.
2. The police after their investigation, submitted a charge sheet against Ganeshi Devi for the offence of section 323,341 IPC on 14/03/2024 . The role of ther co accused Ramgopal,Suraj,Babulal and Omprakash was not found out. Also no offence of outraging the modesty has been made in the case. The court took cognizance of the u/sec 323,341 IPC on the same date .the substance accusation under the aforementioned sections has been read over to accused. The accused denied the allegation and demanded trial.
3. The prosecution produced and examined following persons as part of their prosecution evidence:

PW1	Maan Kanwar	Injured
PW2	NareSumer singhsh Meena	Eye witness to incident,
PW3	Bagwan Singh	Eye witness to incident
PW4	Mahaveer Singh	Eye witness to incident
PW5	Mahendra Singh	Eye witness to incident
PW6	Bagwan Singh	Naksha Mauka witness
PW7	Dr Navdeep Kulhari	Medical witness
PW8	Mohanlal	Investigating officer
PW9	Prahlad singh	Naksha Mauka witness



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4. The prosecution has produced and exhibited the following documents in order to prove their case:

EX P-01	Complaint	Proved by PW 01, PW 08
EX P-02	FIR	Proved by PW 01, PW 08
EX P-03	Naksha Mauka	Proved by PW 01, PW 06, PW 07, PW 09
EX P-04	Injury Report	Proved by PW 07
EX P-05	Report to SDO	Proved by PW 08
EX P-06 EXP-06A	Statement of victim as per section 164 CrPC	Proved by PW 08
EX P-07	Report to SHO	Proved by PW 08
EX P-08	Rojnamcha report	Proved by PW 08
EX P-08	Rojnamcha report	Proved by PW 08

5. the statement of accused under section 313 CrPC has been recorded ,where accused denied the evidence adduced against him. The accused didn’t wish to produce any defense evidence. The file was later listed for final arguments.

6. Final arguments were heard. The learned Assistant public prosecutor stated that the accused Ganeshi Devi has beaten the injured in cold blood. The prosecution has established its case beyond reasonable doubt against the accused hence demanded maximum sentence for the accused.

In reply, the learned counsel for accused has stated that the prosecution has failed to establish its case beyond reasonable doubt hence prayed the court to acquit and release the accused.

7. After hearing both the parties , the point of determination before the court is that ***“Whether accused Ganeshi Devi has wrongfully restraining injured Maan Kanwar and also \ caused simple injury to injured Maan Kanwar ?***

8. The prosecution in order to prove its case has examined a total of 9 witness before the court. The brief conclusion to the material witness testimonies are as follows:

- i. **PW 01 Maan Kanwar** is the injured who states that accused ganeshi has beaten her with sticks on 29/06/2023 while she was working at NAREGA. **There was no material contradiction in her cross examination which caused a reasonable doubt in otherwise direction.**
- ii. **The incident of beating id further proved by material witness PW 2 Sumer singh and PW 5 Mahendra Singh.**



- iii. Witness PW 3 Bhagwan Singh and PW 4 Mahaveer singh reiterated the facts of FIR in their examination in chief. During their cross examination they denied any quarrel happening among the parties, **but the incident is well supported by injured PW 01 Maan Kanwar and also by independent witness witness PW 2 Sumer singh and PW 5 Mahendra Singh.**
 - iv. Witness **PW 07 Dr Navdeep Kulhari** , who is a govt medical practitioner also establishes the injury report Ex P 4 which states **that the victim has suffred simple injury caused by a blunt weapon on her left forearm.**
 - v. The statement of investigation officer PW 08 Mohanlal establishes that the accused has committed offence of wrongful restraint and simple hurt to the injured. There was no material inconsistencies in his statement in chief as well as cross examination.
9. Therefore, in the light of above , accused Ganeshi Devi is hereby Found **guilty** of the offence punishable under Section 323, 341 IPC.

(Kartik Sharma)
Judicial magistrate, Sarwar
Dist. Ajmer

ORDER ON THE POINT OF SENTENCE

10. Learned counsel requests to release the convict on probation of good conduct on the ground that accused Ganesh Devi is a 40 years old woman . the convict is a law abiding citizen having no criminal case against them.
11. Learned Additional Public Prosecutor opposes his request and requests to award maximum sentence.
12. I have heard submissions advanced by counsel for both the parties, perused the record carefully and gave my thoughtful consideration to their contentions.

Whereas, it has been established that the accused was found guilty of causing wrongful restraint and simple hurt to the victim, the Court, having carefully considered the circumstances of the case, the nature of the offence, the character of the accused, and the mandate of the Probation of Offenders Act, 1958, is of the opinion that it is expedient to release the accused on probation of good conduct
13. **GROUND FOR RELEASE ON PROBATION:**

This Court has considered the following grounds for granting probation to the accused:

- **Absence of Criminal Record:**

The accused has no previous criminal record. This is his first offence, and he has hitherto maintained a clean conduct in society.

- **Prolonged Trial and Suffering:**



The accused has already suffered trial for 2 (two) years. The lengthy judicial proceedings have caused considerable hardship, anxiety, and financial burden to the accused.

▪ **Sentencing Considerations:**

The quantum of punishment for this case, after considering all relevant factors, would be less than 7 (seven) years. Given the period already endured in trial, the Court finds it appropriate and in the interest of justice to grant probation

▪ **Mitigating Circumstances:** The following mitigating factors have weighed in favour of the accused:

- i. Offender with clean criminal history
- ii. Long duration of trial proceedings (2 years)
- iii. No history of violence or repeat offences
- iv. Reformation and rehabilitation are viable options

▪ **Public Interest:**

The Court is of the opinion that releasing the accused on probation would serve the broader interests of justice, rehabilitation, and reformation while maintaining public safety and order.

(Kartik Sharma)
Judicial magistrate ,Sarwar
Dist. Ajmer

SENTENCE

14. For the offence punishable under Section 323, 341 IPC, the convict be released on probation of good conduct on furnishing a personal bond in the sum of ` 10,000/- with one surety in the like amount for the period of one year with condition that he shall keep peace and be of good behaviour during the said period with the following additional conditions:

(i) That convict Ganeshi Devi shall deposit a sum of Rs 500/- within seven days from today as Prosecution cost under [Section 5](#) of Probation of Offenders Act.

(ii) The accused shall:

- a. Not associate with bad characters or persons of dissolute morals;
- b. Live honestly and peacefully;
- c. Endeavour to earn an honest livelihood through lawful means;

(iii) The accused shall:

- a. Not commit any offence punishable under any law in force in India;
- b. Comply fully with all laws and regulations;
- c. Maintain public order and peace

15. Copy of judgment be given to the convict free of cost.

16. The bail bond furnished by the accused for his regular appearance before the court is hereby deemed cancelled.



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17. The Judgement has been Pronounced, Signed and Sealed in open court today on
17/03/2026.

(Kartik Sharma)
Judicial magistrate ,Sarwar
Dist. Ajmer