

District : Khunti (Jharkhand)

IN THE COURT OF CHIEF JUDICIAL MAGISTRATE, KHUNTI

Present : Arjun Saw,

Chief Judicial Magistrate,

Khunti

Khunti Dated on the 07th day of July, 2026.

G.R. Case No. 247/2022

Khunti P.S- 77/2019

The State of Jharkhand,

Through : Mohammad Shamshad Ansari

..... **Informant.**

-: Versus :-

Moti Kumar @ Moti Shankar Mahto, S/o – Durga Mahto

R/o- Vill.-Pipratoli, P.S. -Khunti,

District – Khunti

..... **Accused Person.**

Offence Under Section – 279, 304(A),337,338 and 427 of IPC

Ld. APP for the State : : **Smt. Manju Kachhap. Ld. APP**

Ld. Defence Counsel : **Sri R.K Jaiswal, Advocate.**

J U D G M E N T

1. The above named accused person stand for trial in connection with Khunti P.S. Case No. 77/2019 corresponding to GR case No. 247/2022 for the commission of alleged offences punishable Under sections– 279, 304(A),337, 338 and 427 of IPC.

BRIEF FACTS OF PROSECUTION CASE.

2. The prosecution case has been initiated on the basis of written report of informant Mohd. Shamshad Ansari vide alleging interalia that at about 07:00 P.M on 06.06.2019, he came to know that his grandson/relative Mohd. Sahil

Ansari and his colleague Mohd. Saba Khan were returning from Ranchi to Khunti by bike (Apache) JH01CN 1757 and near to Kadia Munda Petrol Pump, Namkum, Khunti, driver of Maruti Swift Desire was being driven by driver namely Moti Kumar and other accompanied persons Sonu Kumar were in drunken condition and hit to his bike to which caused, motorcycle was got damaged and Sahil had sustained injury and admitted to Raj Hospital, Ranchi and died at about 08:00 A.M on 08.06.2019, in course of his treatment and Md. Saba Khan was being treated and prosecution case has been lodged against the accused person.

3. The Details of receiving charge-sheet and taking cognizance of offences against accused person as shown in below:-

Sl. No.	Charge-Sheet No. & Penal Offences	Name of Accused	Date of receiving charge-sheet and taking Cognizance
1.	Charge Sheet-09/2022, dated: 30.01.2022 U/s- 279, 304(A),337,338, 427 of IPC	1.Moti Kumar @ Moti Shankar Mahto	12.04.2022

4. On 30-11-2022 police paper has been supplied to the accused person, according to provision of section 207 of Cr. P.C. The charge for the commission of the offence U/s 279, 304(A),337, 338 and 427 of IPC has been framed vide order dated 02.12.2022 against accused person. The particulars of the aforesaid charge has been read over and explained in Hindi to which the accused person has understood, not pleaded guilty and claimed to be tried.

5. In order to prove, the prosecution has not produced any witness for adducing evidence.

6. On 07-07-2026 the accused person has been examined with view to enable him to know incriminating evidence available on the judicial record against him and his examination has been recorded according to provisions of Section-313 Cr. P.C.

7. The Defendants has not produced any evidence in their defence.

8. Heard both parties of the prosecution case and perused the Judicial Record.

EVIDENCE, DISCUSSION, DECISION AND REASON THEREON

9. The point for determination, whether the prosecution has succeeded to prove the allegation as alleged in written report against the accused person beyond the shadows of all reasonable doubts or not ?

10. From minutely examination of Judicial record, it transpire that the substance for the commission of offence u/s 279/304(A)/337/338/427 IPC has been explained on 02-12-2022. Thereafter, summons and process have been issued for production of the witnesses viz on 22-04-2024, 29-11-2024, 10-03-2026 and 11-06-2026. The letter dated 10-03-2026 has been issued and sent to S.P, Khunti for production of the witness but prosecution has failed to produce witness and all steps taken by this court went vain.

11. Accordingly, this court has considered opinion that the prosecution has miserably failed to proved alleged charge against the accused person for the commission of of offence punishable U/s. 279/304(A)/337/338/427 IPC beyond the shadow of reasonable doubt. Hence, the benefit of doubt is extended to the accused person Moti Kumar @ Moti Shankar Mahto and he is not found and hold guilty and exonerated from the aforesaid offences.

12. It is further ordered and directed that the bail of the accused persons shall remain in force and effective for the period of 6 months according to provisions of Section 437 A of the Cr. P. C.

***PRONOUNCED BY ME IN
OPEN COURT.***

**(ARJUN SAW),
Chief Judicial Magistrate,
Khunti.
Dated : 07th July, 2026**

***(DICTATED AND CORRECTED
BY ME)***

**(ARJUN SAW),
Chief Judicial Magistrate,
Khunti.
Dated : 07th July, 2026**

Annexure -II

Date of Offence	06-06-2019
Date of FIR	08-06-2019
Date of Charge-sheet	12-04-2022
Date of commencement of Evidence	17-02-2023
Date of Judgment is Reserved	07-07-2026
Date of the Judgment	07-07-2026
Date of sentencing Order, if any	N.A.

Accused Persons Details

Rank the accused	Name of Accused	Date of Arrest/ Surrender	Date of release on bail	Offences charged with	Whether Acquitted or Convicted	Sentence Imposed	Period of Detention Undergone during Trial for the purpose of section 428 of Cr. P.C.
A1.	Moti Kumar @ Moti Shankar Mahto	27.06.2019	27.06.2019	U/s 279, 304(A), 337, 338, 427 of IPC	Acquitted		-----

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Annexure -III

List of Prosecution Witnesses

A. Prosecution

Rank	Name	Nature of Evidence (Eye Witness, Police Witness, Expert Witness, Panch Witness, Other Witness)

B. Defence Witness.

Rank	Name	Nature of Evidence (Eye Witness, Police Witness, Expert Witness, Panch Witness, Other Witness)
No	No	No

List of Prosecution Exhibits

A. Prosecution

SI. No.	Exhibits Numbers	Description
1.	---	--

List of Defence Exhibits

B. Defence

SI. No.	Exhibits Number	Description
	Nil	Nil

(ARJUN SAW),
Chief Judicial Magistrate,
Khunti
07.07.2026