



District:- Seraikella-Kharswan

**IN THE COURT OF SHRI ASHISH AGARWAL, SUB-DIVISIONAL
JUDICIAL MAGISTRATE, SERAIKELLA-KHARSWAN**

Dated:- June 12th, 2026

**Present: Shri. Ashish Agarwal
S.D.J.M. Seraikella-Kharswan**

**G.R. Case No. 592/2025
CNR No. JHSK030035372025**

Complainant	State of Jharkhand (through Santosh Kumar Guddu)
Represented By	APP.
Accused	1. Aman Kumar, S/o Anil Prasad, R/o: Kharagpur Haveli, P.S. Kharagpur, District: Munger (Bihar). 2. Satyendra Kumar, S/o Lalbabu Singh, R/o Mirudih, P.S. R.I.T, District- Seraikella-Kharsawan 3. Rabindra Singh, S/o Lal Mohan Singh, R/o: Satbahni, Dhirajganj,

	<i>P.S. Adityapur, Dist- Seraikella-Kharsawan</i>
<i>Represented By</i>	<i>Shri Chhatrapati Mahato Ld. Advocate Shri Nirmal Kumar Acharya</i>

Charges Under Section :- 303(2), 317(2)/3(5) of B.N.S.

J U D G E M E N T

1. The above named accused persons stands trial for the offense punishable under section **303(2), 317(2)/3(5) of B.N.S**, for which the charge was framed and explained and read over on 27.01.2026 against the accused persons named above to which he denied, pleaded not guilty and claimed to be tried.

Facts

2. The case of the prosecution, in nutshell is that the accused person has stolen Scrap Material from the company premises. Hence this case.

F.I.R.

3. On the basis of written report of the informant , an FIR was registered u/s **303(2), 317(2)/3(5) of B.N.S** against the accused persons vide R.I.T. PS Case No. 44/2025 dt. 28.05.2025.

Cognizance

4. The I/O on completion of investigation submitted charge sheet bearing no. 159/2025 vide dated 22.09.2025 under Section **303(2), 317(2)/3(5) of B.N.S**, against the above named accused persons. Accordingly, the Cognizance of the aforesaid offence were taken vide order dated 26.09.2025 against the accused persons named in column 11 of the charge-sheet.

Charges Framed

5. After appearance of accused persons before the trial court, police papers were supplied to him and thereafter the Charge was explained as stated herein above vide order dated 27.01.2026 to which he pleaded his innocence, and thus he was put under trial and case was fixed for Prosecution evidence.

Prosecution Evidence

6. During the course of the trial, the prosecution has produced four witnesses.

In order to prove its case, the prosecution has adduced

Evidence:-

Oral Evidence	Rank	Name	Nature of evidence
	P.W.-1	Chandan Kumar	Hearsay
	P.W.-2	Sharad Jyoti Dey	Hearsay
	P.W.-3	Santosh Kumar Guddu	Informant
	P.W.-3	Ram Jatan Prasad	I.O

List of document exhibited by the Prosecution:

Documen tary Evidence	Sr no.	Description of Documents	Proved by	Status
	P1/P.W.1	Signature on Seizure List	P.W.1	Without Objection
	P2/P.W.3	Written Application	P.W.3	Without Objection
	P3/P.W.4	Endorsement	P.W.4	Without Objection
	P4/P.W.4	Seizure List	P.W.4	Without Objection
	P5/P.W.4	Arrest Memo	P.W.4	Without Objection
	P6/P.W.4	Arrest Memo	P.W.4	Without Objection

7. On 23.05.2026 after giving sufficient opportunity, prosecution evidence was closed and case was posted for recording statement under section 313 of Cr.P.C.

Statement Under Section 313 Cr.P.C.

8. On 02.06.2026 the accused persons were examined and his statement was recorded under the provisions of section 313 Cr.P.C, wherein he was once again denied the evidences available against him, and has claimed to be innocent. Thereafter, case was fixed for defense evidence.

Defense Evidence:- NIL

9. Subsequently on the request of defence counsel, defence evidence was closed and record was fixed for arguments.

Arguments

10. Heard the arguments of both the parties. The defence strongly argued that it is a case of no evidence. Hence prayed that the accused person be acquitted. On the other hand, prosecution has argued that charges has been proved and accused be convicted.

11. Now I shall discuss the evidence to determine whether the prosecution has been able to prove the charge beyond all reasonable

doubts.

FINDINGS

12. In this case, the prosecution has examined four witnesses.

P.W.1 has stated in his examination-in-chief, that the incident took place on 25.05.2025 at about 3 a.m. At the relevant time, he was employed at Swift Streifus India Private Limited, Adityapur. During a company inspection conducted on the date of the incident, copper and brass were found in the possession of Satyendra and Aman. He came to know of the recovery through the company security guard. Thereafter, the matter was reported to the R.I.T Police Station. Upon receiving the information, the police arrived at the spot and seized approximately 4.5 kilograms of copper and brass recovered from the apprehended persons. He stated that he is able to identify the accused person who is present before the Court pursuant to the representation application filed today.

During his **cross-examination**, he stated that he was not present at the time when the alleged recovered articles were seized from the possession of the accused persons. He further stated that he is deposing before the Court in connection with the present incident for the first time. He admitted that his knowledge regarding the incident is based on hearsay and not on his personal observation. He stated that, according to his recollection, the police reached the place of

occurrence at about 2 a.m.. However, he also stated that they arrived after 3 a.m. He stated that he himself informed the police about the incident but could not recollect the police station number or any contact number used for the intimation. He further stated that when the police arrived at the place of occurrence, approximately 60 to 70 persons were present there. After the arrival of the police, the accused persons along with the seized articles were handed over to the police, who took them into custody. He stated that the seizure list was prepared by the police at the police station and that his signature was obtained thereon. He further stated that the seizure list contained the details of the incident.

P.W.2 has substantially stated that same thing in his examination-in-chief as P.W.1.

During his **cross-examination**, he has stated that at the time of the alleged incident, he was present in his office situated on the first floor of the company premises, whereas the incident occurred on the ground floor. He further stated that he was not present at the place of occurrence and did not witness the incident with his own eyes. He further stated that he is deposing before the court for the first time in connection with the present incident. He stated that he knows Satyendra as he is employed as a worker in the same company. He stated that the facts deposed to by him regarding the incident are

based on the information conveyed to him by the company security guard and not on his own personal observation. He stated that he does not know who initially informed the police about the incident. He further stated that he was present when the police arrived at the place of occurrence. Upon their arrival, he informed the police about the alleged theft and pointed out the articles that had been recovered from the accused persons. Thereafter, the police took the recovered articles and proceeded to the police station in connection with the investigation of the case. He further stated that the police did not examine or question him during the course of the investigation at that time.

P.W.3 has stated in his examination-in-chief, that the incident took place on 28.05.2025 at about 3 A.M. At the relevant time, he was working as the manager of Swift Streifus India Private Limited, Adityapur. During a company inspection conducted on the date of the incident, copper and brass were found in the possession of Satyenra and Aman. He stated that he received this information from the company security guard. Thereafter, he examined the CCTV footage installed in the company premises, on the basis of which the accused persons were identified as being involved in the alleged theft. The matter was subsequently reported to the R.I.T Police Station. Upon receiving the information, the police arrived at the spot and seized approximately 4.5 kilograms of copper and brass recovered from the

apprehended persons. Thereafter, acting on the instructions of the company owner, a criminal case was instituted against the accused persons. He stated that he is able to identify the accused person who is present before the court pursuant to the representation application filed today.

During his **cross-examination**, he has stated that at the time of the alleged incident, he was approximately 200 to 300 meters away from the place of occurrence. He further stated that he came to know about the incident through a company security guard and that he did not witness the occurrence with his own eyes. He stated that no telephonic information regarding the incident was given to the police. According to him, the information was conveyed in person at the police station. He further stated that he went to the police station at about 3 p.m. to report the matter, accompanied by Chandan, Sharad, and the two accused persons. He further stated that the seizure list was prepared at the police station and that the entire seized related proceedings were conducted there. He stated that the police examined and questioned him for the first time when he visited the police station and subsequently interrogated him again when they came to the company premises during the course of the investigation.

P.W.4 has stated in his examination-in-chief, that on 28.05.2025, he was posted as a Sub-Inspector at R.I.T Police Station. On the basis of

the written complaint submitted by the informant, Santosh Kumar Guddu, the then Officer-in-charge, Vinay Kumar registered R.I.T Police Station Case No. 44/2025 dated 28.05.2025 under Sections 303(2), 317(2)/3(5) of B.N.S and entrusted the investigation of the case to the witness. He stated that the endorsement regarding the registration of the case, stating that it was in the handwriting and bore the signature of the then officer-in-charge, Vinay kumar. That after taking over the investigation, he perused the F.I.R, the written complaint, and the seizure list. During the course of the investigation, he took charge of the stolen articles recovered in the case and formally seized them by preparing a seizure list. He arrested the principal accused, Aman Kumar, by preparing a duly executed arrest memo in accordance with law. He identified the said arrest memo prepared by him. He further stated that the co-accused, Satendra Kumar, was also arrested after preparing a proper arrest memo in accordance with the prescribed procedure. He stated that during the course of investigation, he recorded the statements of the accused persons, Aman Kumar and Satendra Kumar. Thereafter, he re-examined and recorded the statement of the informant, Santosh kumar Guddu, and also recorded the statements of prosecution witnesses Sharad Jyoti Dey and Chandan Kumar in connection with the investigation of the case. He stated that thereafter, he inspected the place of occurrence on the

basis of the information provided by the informant and the witnesses. He stated that Swift Strips Private Limited is situated approximately 6 kilometers west of the R.I.T Police Station. The boundaries of the place of occurrence were found to be as follows: to the east, vacant fallow land; to the west, vacant fallow land; to the north, the company's tin shed; and to the south, a PCC road measuring approximately 10 feet in width. That during the course of the investigation, he served a notice under Section 35(3) of B.N.S.S upon the principal accused in the case. He received a reply to the said notice which was annexed to the case diary. Thereafter, he recorded the statement of the accused Ravindra Singh, in connection with the investigation. That upon completion of the investigation and being satisfied that sufficient materials existed against the accused persons, the witness submitted Charge Sheet No. 159/2025 dated 22.09.2025 before the competent court against the FIR named accused namely Aman Kumar, Satendra Kumar and Ravindra Singh under Sections 303(2), 317(2), 3(5) of the B.N.S. He stated that he is capable of identifying the accused persons and further identified the accused persons and further identified Aman Kumar, who is represented before the court today.

During his **cross-examination**, he has stated that he was not a member of the raiding party. He further stated that the seizure list did not bear the signature of any independent witness, and that all the

witnesses to the seizure list were employees of the factory. He stated that both accused persons, Amit and Satyendra were arrested at the police station, where the production-cum-seizure list was also prepared. He stated that, at the time of the alleged incident, the company officials had informed the RIT Police Station about the theft, however, no police personnel visited the place of occurrence or conducted any seizure list form the spot. He further stated that no goods were seized from Ravindra Singh. De stated that Ravindra Singh had responded to the notice issued under Section 35 by asserting his innocence and stating that, on the date of the alleged incident, he had traveled to Uttar Pradesh to attend his sister's wedding. He admitted that he did not record the statement of the owner of the company during the course of the investigation. He denied the suggestion that no such incident had taken place and that the two workers, who were merely demanding their legitimate wages, had been falsely implicated by the company in a fabricated theft case. He stated that he did not know either of the accused persons prior to their arrest and that he could not identify Ravindra Singh.

12.1 None of the witnesses examined by the prosecution is an eyewitness to either the alleged theft or the alleged recovery. P.Ws. 1, 2 and 3 have categorically admitted that they had not witnessed the

occurrence and had derived knowledge of the incident from the security guard. The security guard, who appears to be the most material witness, has not been examined by the prosecution. Adverse inference, therefore, arises against the prosecution. Secondly, there are material contradictions regarding the date and manner of occurrence. P.Ws.1 and 2 referred to the occurrence as having taken place on 25.05.2025, whereas P.Ws.3 and 4 referred to the date as 28.05.2025. Such contradiction goes to the root of the prosecution case. Thirdly, the prosecution has failed to establish lawful and reliable recovery of the alleged stolen property. P.Ws.1 and 3 stated that the seizure list was prepared at the police station. P.W.4 admitted that no seizure was effected from the place of occurrence. No independent witness has supported the alleged recovery. The entire seizure process thus becomes doubtful. Fourthly, although P.W.3 claimed that the accused persons were identified from CCTV footage but, neither the 65-B Evidence Act certificate nor FSL report of CCTV footage is available in the record. No electronic record was exhibited. Therefore, such evidence cannot be relied upon.

13. Thus on careful consideration of the aforesaid the court is of the opinion that prosecution has failed to prove its charge brought against the accused beyond all reasonable doubts, and therefore the

accused is entitled to get the benefit of the doubts hence the benefit of doubt is extended to the accused. Therefore, on careful examination of case record, it is apparent that not even an iota of evidence favorable to prosecution, or to strengthen the prosecution story has been adduced by it, the Court therefore, finds and holds accused person **‘not guilty’**.

ORDER

14. In view of above findings, discussions, and analysis, I come to the conclusion that the prosecution has failed in proving the charges **under Section 303(2), 317(2)/3(5) of B.N.S**, against the accused persons namely **1. Aman Kumar, 2. Satendra Kumar, and 3. Rabindra Singh**. Accordingly, the accused persons are hereby acquitted for the charge **under Section 303(2), 317(2)/3(5) of B.N.S**. As a result, his bailors are discharged.

This judgment is delivered by me in open court today.

(Dictated, Corrected and Signed by me).

Ashish Agarwal
Sub Divisional Judicial Magistrate
Seraikella
Date : 12.06.2026

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G.R. No. 592 of 2025
State of Jharkhand (through
Santosh Kumar Guddu) Vrs
Aman Kumar and Others.
Date of Judgment: 12.06.2026
P.O. - Ashish Agarwal, S.D.J.M,
Seraikella

Annexure-I



District:- Seraikella-Kharswan

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Dated:- June 12th, 2026

**Present: Shri. Ashish Agarwal
S.D.J.M. Seraikella-Kharswan**

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	<i>Dist- Seraikella-Kharsawan</i>
<i>Represented By</i>	<i>Shri Chhatrapati Mahato Ld. Advocate Shri Nirmal Kumar Acharya</i>

Annexure-II

In order to prove its case, the prosecution has adduced

Evidence:-

Oral Evidence	Rank	Name	Nature of evidence
	P.W.-1	Chandan Kumar	Hearsay
	P.W.-2	Sharad Jyoti Dey	Hearsay
	P.W.-3	Santosh Kumar Guddu	Informant
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	P6/P.W.4	Arrest Memo	P.W.4	Without Objection

Annexure – IV

List of witnesses by defense: NIL

Annexure – V

Documents Exhibited Form The Side Of Defense:-

Sr no.	Description of Documents	Proved By	Status
	NIL		

Annexure - VI

Synopsis

Date of alleged offense	28.05.2025
Date of FIR	28.05.2025
Date of charge-sheet	22.09.2025
Date of cognizance	26.09.2025
Date of framing charge	27.01.2026
Date of closing of prosecution Evidence	23.05.2026
Date of recording statement under section of U/s 313 of Cr.P.C.	02.06.2026
Date of closing Defence Evidence	02.06.2026
Arguments completed on	12.06.2026
Date of Judgment	12.06.2026
Date of Sentence order	N.A.

Annexure - VII

Rank of accused	Name of accused	Date of arrest/surrender	Date of release on Bail	Offense charge with	Whether acquitted or convicted	Sentence imposed	Period of detention undergone during trial for the purpose of section 428 Cr.P.C
1.	Aman Kumar	N.A.	N.A.	U/s 303(2), 317(2)/3(5) of B.N.S	Acquitted	N.A.	N.A.
2.	Satyendra Kumar	N.A.	N.A.	U/s 303(2), 317(2)/3(5) of B.N.S	Acquitted	N.A.	N.A.
3.	Rabindra Singh	N.A.	N.A.	U/s 303(2), 317(2)/3(5) of B.N.S	Acquitted	N.A.	N.A.