

Annexure - I

In the Court of Additional Judicial Commissioner – IV, Ranchi Present:- Asif Equbal, A. J. C. - IV, Ranchi Dated:- 3rd January, 2024 District – Ranchi S.T. Case No. - 39/2022 CNR No. - JHRN01-0005542022 (Arising out of GR Case No. 2430/2021, AHTU P. S. Case No. 05/2021) (U/sections 363,370 of IPC and Section 75/81 of Juvenile Justice Act)	
Prosecution	State (through informant Gautam Kumar)
Represented By (Counsel for the State)	Smt. Pushpa Sinha, Ld. Special P. P. I/C
Accused	1. Arvind B Patel , aged about 30 years, S/o - Bhagwan Das Patel (A1) R/o - Jaya Laxmi Nilaya 3 rd Cross Bandigwada, Mandya, Karnataka
Represented By (Counsel for the Defence)	Syed Saif Ahmad , Ld. Advocate (For A1)

Annexure - II

Date(s) of Offence	25.06.2021
Date of FIR	25.06.2021
Date(s) of Chargesheet	21.08.2021
Date(s) of Framing Charges	16.08.2022
Date of Commencement of evidence	26.09.2022
Date of Judgment is reserved	20.12.2023
Date of the Judgment	03.01.2024
Date of Sentencing Order, if any	N/A

Accused Details :-

Rank of the Accused	Name of the Accused	Date of Arrest	Date(s) of Released on Bail No	Offences charged with	Whether Acquitted or Convicted	Sentence Imposed	Period of Detention Undergone during Trial for purpose of Section 428, Cr.P.C
A1	Arvind B Patel	26.06.21	07.12.21	U/sections 363, 370 of IPC and Section 75/ 81 of J.J. Act	Acquitted	N.A.	N.A.

Annexure – III

List of Witnesses :-

A. Prosecution Witness :-

Rank	Name	Nature of Evidence (Eye Witness, Police Witness, Expert Witness, Medical Witness, Panch Witness, other witness)
PW1	Gautam Kumar, Informant	Eye witness
PW2	Panna Lal Thakur	Eye Witness
PW3	Arvind Kumar	Eye Witness
PW4	Ram Chandra Yadav, IO	Police Witness
PW5	Soma Kachhap, victim	Eye Witness
PW6	Kartik Kachhap, victim	Eye Witness
PW7	Himanshu Minz, victim	Eye Witness
PW8	Raman Khalkho, victim	Eye Witness

B. Defence Witness :-

Rank	Name	Nature of Evidence (Eye Witness, Police Witness, Expert Witness, Medical Witness, Panch Witness, other witness)
	NIL	NIL

List of Exhibits :-

A. Prosecution Exhibit(s):-

Sr. No.	Exhibit Number	Description
1	Exhibit P-1	Written report
2	Exhibit P-1/1	Endorsement on written report
3	Exhibit P-2	Formal FIR
4	Exhibit P-3	Memo of arrest of Navin Kumar Patel
5	Exhibit P-4	Memo of arrest of Arvind B Patel
6	Exhibit P-5	Signature of victim PW5 on his statement u/s 164 Cr.P.C.
7	Exhibit P-6	Signature of victim PW6 on his statement u/s 164 Cr.P.C.
8	Exhibit P-7	Signature of victim PW7 on his statement u/s 164 Cr.P.C.
9	Exhibit P-8	Signature of victim PW8 on his statement u/s 164 Cr.P.C.

B. Defence Exhibit(s):-

Sr. No.	Exhibit Number	Description
	NIL	NIL

J U D G M E N T

1. The above named accused person is facing trial for the offence **u/s. 363, 370 of IPC and Section 75/ 81 of Juvenile Justice Act** for the occurrence occurred at village Sirka and village Thingdiri and village Urkiya, West Singhbhum, Jharkhand and at Birsa Munda Airport, Ranchi on dated 25th day of June, 2021.

2. The prosecution case, in brief, is that informant given a written report to the O/c AHTU P.S. on 25.06.2021 and stated therein that at about 08.00 hrs on 25.06.2021 two passengers namely Arvind B Patel and Navin Kumar Patel entered into security hold area of Birsa Munda Airport along with 5 persons, most of all are minor for traveling to Bangalore by flight No-6E441. After security check, it is found that most of them are looking minor. Their ADHAR are checked and it is found that they are minor. On suspicion they were interrogated but their reply was not satisfactorily. They all are unaware of their destination. Their leader was asked to call their parents but they could not do so. Keeping mind of child trafficking local police and child welfare committee has been informed. Ms. Divya Toppo, team member of child line Ranchi came at the airport and enquired the matter with minor and expressed the case likely to be child trafficking.

3. On the basis of written report of the informant police instituted a case vide AHTU P.S. Case No. 05/2021 u/s 363, 370 of IPC and 75/ 81 of J.J. Act against the two accused persons. I.O. investigated the case and found the case true and submitted charge sheet u/s 363, 370 of IPC and Section 75/ 81 of J.J. Act against accused persons. On 21.08.2021 cognizance for the offence u/s 363, 370 of IPC and Section 75/ 81 of J.J. Act against the accused above named and one other has been taken by the Ld. CJM, Ranchi. Thereafter, vide order dated 15.12.2021 the case record was committed to the court of Sessions and on transfer this case record has been received to this court on 20.01.2022.

4. The **charges** were framed against accused persons on 16.08.2022 **u/s 363,370 of IPC and Section 75/81 of Juvenile Justice Act**, charges were explained to them in Hindi to which they pleaded not guilty and claimed to be tried.

5. Thereafter, the prosecution has adduced his evidence and after closer of prosecution evidence, statement of the aforesaid accused person was recorded U/s 313 of Cr.P.C. on 10.10.2023 to which he denied to commit alleged offence and taken plea of his innocence and further claimed to be falsely implicated in the present case.

6. The defence has not brought any oral or documentary evidence.

7. The only point for determination in this case is that whether the prosecution has been able to prove and establish its case against the aforesaid accused beyond shadow of all reasonable doubts or not?

FINDINGS

To prove its case prosecution has produced altogether eight witnesses, in support of its case.

8. P.W.1, Gautam Kumar, Informant in his examination-in-chief has stated that on 25.06.2021 he was posted as In-charge SHA at Birsa Munda Airport and on that day at about 8.00 AM two passengers Navin Kumar Patel and Arvind B Patel with five persons who were intending to go to Bangalore by Flight No. 6E441 and on verification from Aadhar card it was found that all five persons were minor and on being inquired from them they did not give any satisfactory reply and when he told to them where they are going then they have stated that they were going with Navin Kumar Patel and Arvind B Patel and the victim/ children further stated that the accused persons are neither their parents nor they are relative and thereafter he informed to the local police and Child Welfare and called them. Thereafter, the police came and after inquiry found that it is case of human trafficking. Thereafter, the matter was handed over to police with documents to Airport P.S. for further action. On his identification his signature on the written report has been marked Ext.P-1. The witness claimed to identify the accused person.

In his cross examination he has stated that on the date of occurrence he was on duty on A-Shift which was till 1.00 PM. He has stated that the Air-ticket of accused and the children who were arrested were valid. The guardian of these children were not present outside. He has stated that he does not know the departure time of Plane but the Flight No.

was 6E441. He arrested the accused persons during course of inquiry at 8.00 AM. He has further stated that the children who were arrested were minor on the basis of their Aadhar Card and the persons who were taking away the victim children were neither their relatives nor their parents and thus on the basis of suspicion they arrested the accused persons.

9. **P.W.2, Panna Lal Thakur** has stated in his examination-in-chief that on 25.06.2021 he was posted as S.I. in CISF Unit, ASG, Ranchi, Jharkhand and presently he is posted there and on that date his duty was in A-Shirt from 5.30 AM to 1.30 PM at SHA, Ranchi Airport where security check of passengers was going on, at 7.30 to 8.00 AM during course of checking of passengers some children were standing in queue. On being asked the children have stated that they have come with accused Arvind B Patel and Navin Kumar Patel. He has further stated that he got suspicion that the children are minor accordingly he informed to the In-charge, SHA Gautam Kumar, In-Charge Inspector regarding the occurrence. The witness failed to identify the accused because it is matter of 2021.

In his cross examination he has stated that on the date of occurrence he was doing duty in Security Hold and on that date his duty was from 5.30 AM to 1.00 PM. He had not arrested the accused and children. It is further stated that during security checking the children did not reply satisfactory then he got suspicion and informed to his Senior. He did not check their ticket.

10. **P.W.3, Arvind Kumar** has stated in his examination-in-chief that on 25.06.2021 he was posted as constable in CISF at Ranchi Airport Unit and at about 7.30 to 8.00 AM information was received that some minor children are traveling then he reached there and when he reached there then he saw that some children were sitting there and on preliminary inquiry he demanded their Aadhar Card and they were found aged below 18 years and on being asked the children became scared and have stated that they were traveling with one person. Thereafter, he inquired from the person who have stated that they are taking away the children with the consent of their family. Thereafter, no contact with the family of children was made and accordingly he informed to his senior official Inspector Gautam Kumar and the name of accused person is Arvind

B Patel and Navin B Patel. He failed to identify the accused person before the court.

In his cross examination he has stated that he was given Aadhar card of five children regarding I.D. and in the Aadhar card the date of birth is mentioned and he has informed to his senior official that as per Aadhar card the age of children is less. All children had ticket and boarding pass which was valid. He has stated that he did not come out with the children to search their parents. He has further stated that after arrival of Inspector Gautam Kumar he went on work. Thereafter, he has no knowledge what was done by Gautam Kumar and he was not recorded the statement of children.

11. **P.W.4, Ram Chandra Yadav, I.O. of the case** has stated in his examination-in-chief that on 25.06.2021 he was posted as S.I. at Airport P.S. On his identification the endorsement on the written report has been marked Ext.P-1/1, formal FIR has been marked Ext. P-2. Memo of arrest of accused Navin Kumar Patel and Arvind B Patel have been marked Ext. P-3 and P-4 respectively. Thereafter, he handed over the recovered children to Balashray . Thereafter, he brought to the accused persons at Doranda PS and both the accused confessed their guilt. Thereafter, for investigation he went to Airport where he recorded the statement of witnesses informant Gautam Kumar, witness Panna Lal, Arvind Kumar. Thereafter, he visited the place of occurrence. Thereafter, he found the case true and submitted charge sheet.

In his cross examination he has stated that during course of investigation he got Aadhar card of minor children and on the basis of Aadhar Card he can say their age and the age of child Raman is about 16 years. He has further stated that after perusal of statement of victim children u/s 164 Cr.P.C. it was found that the financial condition of all children was not good thus they were going with the accused to Bangalore for doing work. He has not recorded the statement of parents and relatives of all the victim children. He has not recorded the statement of any member and officer of Child Welfare Committee. He has further stated that during course of investigation it came to know that all the victim children were going to Bangalore with the consent of their parents.

12. **P.W.5, victim Soma Kachhap** has stated in his examination-in-chief that the occurrence took place one year ago, he was going to Bangalore and at that time police stopped him at Airport. On his identification his signature on his statement u/s 164 Cr.P.C. has been marked Ext. P-5. It is further stated that he was going to Bangalore with his own will. He failed to identify the accused person before the court. On the prayer of prosecution this witness has been declared hostile.

In his cross examination he has stated that in Bangalore his maternal uncle works in the Timber of Arvind Patel and on call of his maternal uncle he was going to Bangalore to visit.

13. **PW6, victim Kartik Kachhap** has stated in his examination-in-chief that this occurrence took place two years ago and police had stopped him at Airport and they were going to Bangalore and except this he has no any knowledge. On his identification his signature on his statement u/s 164 Cr.P.C. has been marked Ext.P-6. The witness failed to identify the accused before the court. On the prayer of prosecution this witness has been declared hostile.

In his cross examination he has stated that he was going to Bangalore to visit on his own will and consent of his parents without any allurement, fear and coercion.

14. **PW7, victim Himanshu Minz** has stated in his examination-in-chief that the occurrence is of 1½ years ago and police had stopped him at Ranchi Airport and they were going to Bangalore to visit. On his identification his signature on his statement u/s 164 Cr.P.C. has been marked Ext.P-7. The witness failed to identify the accused before the court. On the prayer of prosecution this witness has been declared hostile.

In his cross examination he has stated that he has no knowledge about the occurrence and he was going to Bangalore with the consent of his parents without any allurement, fear or coercion. He has given his statement before Magistrate under pressure of police.

15. **PW8, victim Raman Khalkho** has stated in his examination-in-chief that this occurrence took place in the year 2021. They were going to Bangalore to visit and at that time police have arrested them at Ranchi Airport. On his identification his signature on his statement u/s 164 Cr.P.C. has been marked Ext. P-8. The witness failed to identify the

accused before the court. On the prayer of prosecution this witness has been declared hostile.

In his cross examination he has stated that he had given his statement before Magistrate under pressure of police. In Bangalore his villagers are working thus he was going to visit and his parents had given permission to him for visit thus he was going there and no one was taking away him on allurement.

16. Learned defence counsel argued that victim children P.W.5 to P.W.8 have not supported the prosecution case and these witnesses have been declared hostile and the evidence of other witnesses are contradictory with each other and the prosecution case become doubtful and accused is entitled for benefit of doubt and he prayed to kindly acquit the accused.

17. Ld. Special P.P. conceded this fact that victim children have not supported the case of prosecution.

18. In instant case eight witnesses have been produced on behalf of prosecution. P.Ws. 1, 2 and 3 are police official and they are posted at CISF unit at Ranchi Airport and they have stated that they caught hold to the five children at Airport and they are minor and they were not given satisfactory answer and they had come at Airport for traveling to Bangalore with the accused persons. P.W.4 is I.O. who investigated the case and found the case true and submitted charge sheet against the accused persons. It also appears from perusal of case record that vide order dated 15.07.2023 the case record of accused Navin Kumar Patel was split up from this record as he died on 14.07.2023 and only one accused above named is facing trial in this case. I also perused the evidence of P.Ws 5,6,7 and 8 who are victim children and they were caught hold by the police at Airport and they have also stated that the police caught hold to them at Airport but they have also stated that they were going to Bangalore on their own will with the consent of their family members and there is no involvement of the accused person in this case. The prosecution has not produced Air-ticket of the victim children and the prosecution has also not produced these victim children traveling to Bangalore for work there and accused was trafficking these victim for the purpose of work and there is no sufficient evidence produced by the prosecution regarding the accused

persons brought to the victim children at Bangalore after recruitment or transported to them for using threat, force or any other form of coercion by abduction or by practicing fraud or deception or abuse of power and prosecution has also not produced evidence that the accused person induced to the victim children including the giving or receiving payment or benefit in order to achieve the consent of any person having control over the person recruited, transported, harboured, transferred or received and no certificate was produced regarding age of the children and I.O. PW4 admitted that he was not recorded the statement of the parents of the children and PW5 to 8 victim children not identified to the accused before court and he is entitled for benefit of doubt on the point of identification and there is no sufficient evidence produced by the prosecution against the accused person to hold guilty.

19. Considering the above facts and discussions, I come to the conclusion that the prosecution has failed to prove the charge against the accused person beyond all reasonable doubt. In the result accused **Arvind B Patel** is hereby not found guilty for the offence u/s. 363, 370 of IPC and Section 75/ 81 of Juvenile Justice Act in lack of proper evidence and he is hereby **acquitted** for the offence charge **U/s 363, 370 of IPC and Section 75/ 81 of Juvenile Justice Act**. Accused person is on bail, hence he is discharged from liability of bail bonds along with his bailors.

Judgment pronounced by me in open Court, signed, sealed and delivered on 3rd January, 2024.

(Dictated & Corrected by me)

Sd/-
(Asif Equbal)
A.J.C. – IV
Ranchi
(03.01.2024)

Sd/-
(Asif Equbal)
A.J.C.-IV
Ranchi
(03.01.2024)