

Before the Juvenile Justice Board, West Singhbhum at Chaibasa

Present:-
(Supriya Rani Tigga)
Principal Magistrate
Juvenile Justice Board, Chaibasa

Member: Sanjay Kumar Birua,
J.J.B.,Member, Chaibasa,

Chaibasa, dated 19th day of September, 2024.
District-West Singhbhum.

Goilkera P.S. Case No.34/2021
Enquiry (Juvenile) Case No. 15/2022
U/s:- 302/201/34 of I.P.C.
CNR No. JHCB03-002451-2022

Informant	State of Jharkhand..... Rautu Angaria
Represented by	Sri Pradeep Kumar Singh, Ld. Addl. P.P.
Child in conflict with law / Juvenile	"X", aged about 15 years, S/o- Late Duryodhan Angaria, R/o- Mouza- Bdaila, P.S.-Goilkera, District- West Singhbhum.
Represented by	Sri S. B. Jyotishi, Ld. Advocate

Annexure-II.

Date(s) of offence	16.09.2021 – 17.09.2021
Date of FIR	21.09.2021
Date of Charge-sheet	21.12.2021
Date(s) of Substance Explained	20.10.2023
Date of Commencement of evidence	25.10.2023
Date on Order is reserved	11.09.2024
Date of the Order	19.09.2024
Date of Sentencing Order, if any	N/A

Juvenile details:

Rank of the Juvenile	Name of the Juvenile	Date of remand in Observation	Date(s) of Released on Bail	Offences charged with	Whether Acquitted or	Sentence imposed	Period of Detention Undergone during
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		Home.			convicted		Trial for purpose of Section 428 Cr.P.C.
N/A	X	23.09.21	Did not release	U/s- 302/201/34 of I.P.C.	N/A	N/A	02 Years, 11 Months and 27 days

Annexure-III

List of Prosecution / Defence / Court Witnesses

A. Prosecution

Rank	Name	Nature of Evidence
PW1	Rautu Angariya	Informant
PW2	Mahendra Samad	Hearsay witness
PW3	Birsa Angariya	General witness
PW4	Gurubari Angariya	General witness
PW5	Sumi Angariya	General witness
PW6	Goma Angariya	Hearsay Witness
PW7	Lambora Meral	General witness
PW8	Motilal Lohar	General witness
PW9	Suman Kumar Kanth	Police witness / I.O.
PW10	Dr. Vibhakar Kumar	Medical witness

B. Defence Witness, if any:-

Rank	Name	Nature of Evidence
NIL		

C. Court Witness, if any:-

Rank	Name	Nature of Evidence
NIL		

List of Prosecution/ Defence / Court Exhibits.

A. Prosecution

Sr. No.	Exhibit Number	Description
1	Ext. P-1/PW1	Signature of Rautu Angariya (PW1) on Fardbayan
4	Ext. P-2/PW1	Signature of Rautu Angariya (PW1) on inquest report
3	Ext. P-3/PW3	Signature of Birsa Angariya (PW3) on arrest memo

B. Defence:-

Sr. No.	Exhibit Number	Description
NIL		

C. Court Exhibits

Sr. No.	Exhibit Number	Description
NIL		

D. Material Objects

Sr. No.	Exhibit Number	Description
NIL		

(i) Point/points for determination:-

Whether prosecution has been able to prove and establish the allegation for the offences **U/s:- 302/201/34 of I.P.C** against the CICL/Juvenile “X” or not ?

(ii) The decision thereon

The CICL/Juvenile "X" is found and held not guilty of the offence **U/s:- 302/201/34 of I.P.C**. Accordingly, he is acquitted thereunder.

(iii) The reasons for the decision

1. In brief case of the prosecution is that, on 19.09.2021 he had gone to Chaibasa. At about 08.45 hrs. village Munda Goma Angariya informed over mobile that your elder mother Kodma Angariya has been murdered and her body has been thrown in a river. In this regard, your niece(Bhagini) Ratni Bahanda informed that on 16.09.2021 at about 9:00 P.M, 1. Mora Agariya 2. Kudan Agariya and 3. CICL/Juvenile “X” of village Badela came to the house grandmother namely, Kodma Agariya and demanded ‘Khaini’ from grandmother, then grandmother gave the same, after that all three left the house grandmother, after half an hour, Mora Angariya, Kundan Angariya and CICL/Juvenile “X” came back to the house of grandmother and told her that that he has lost his torch, please give him the torch, to which grandmother said that she did not know where he have lost his torch. On this, all three of them

caught hold of his grandmother and started abusing and dragging her out of the house. She caught hold of her grandmother and shouted for help, but Mora Angariya slapped her and she let go of her grandmother. Mora Angariya said that if you tell this to anyone, he will kill you. On hearing this, she quietly went to the house of her grandmother and closed the door and went to sleep. She did not tell this to anyone out of fear, then on 19.09.2021 his niece (Bhagini) told about the occurrence to him. So in this regard, first he informed the police station over phone, thereafter, he informed the same to you. After some time he got a call from the police officer of the police station in which he told him all the above things and he was called by the police to the place of occurrence, then he shows his inability, then the police officer called him to Chakradharpur Hospital, then he reached Chakradharpur Hospital from Chaibasa and saw that the police officer has come to do the postmortem of his elder mother's dead body. After seeing the dead body. The informant claimed that as told by village Munda Goma Angariya, his elder mother Kodama Agariya @ Kodama Kui was committed murder by 1. Mora Angaria, 2. Kudan Angaria and 3. CICL/Juvenile "X" and thereafter thrown the dead body in Rungi river.

2. On the basis of written report of informant, F.I.R. was registered as **Goilkera P.S. Case No. 34/2021 dated 21.09.2021**, for the offence **Under sections 302/201/34 of IPC** against the accused persons namely, 1. Mora Angariya, 2. Kundan Angariya and against CICL/Juvenile "X".

After completion of investigation police submitted Charge-sheet No. **62/2021 dated 21.12.2021** under the aforesaid sections and against accused persons namely, 1. Mora Angariya, 2. Kundan Angariya and against CICL/Juvenile "X". Accordingly, *prima facie* case was made out against them and accordingly cognizance has also been taken for the offences u/s

302/201/34 of I.P.C. by the Court of Ld. S.D.J.M.(P) at Chaibasa vide order dated 23.12.2021.

From perusal of record it transpires that, as the CICL/ Juvenile "X" has already been declared juvenile vide order dated 23.09.2021, hence the record of Juvenile was directed to be sent to this Board for further proceeding.

3. Substance of accusation was explained to the child in conflict with laws for the offences **U/s 302/201/34 of IPC** on 20.10.2023 and explained to him in Hindi, to which he pleaded not guilty and claimed to be inquired.

4. The statement of children in conflict with law was recorded in view of Section 313 of Cr.P.C. on 11.09.2024 in which he denied the allegations levelled against him and claimed himself to be innocent.

FINDINGS

5. **PW 1 Rautu Angariya**, informant of this case has deposed in his examination-in-chief that he has filed this case against the accused persons Mora Angaria, Kundan Angaria and CICL/Juvenile "X". On 19.09.2021 at about 8:45 P.M. he received a call from Goma Angariya that his elder mother Kodama Angariya was murdered and her body was thrown into the Sangi Kocha river. At that time he was in Goilker. He has further deposed that regarding this incident, his niece (Bhagini) **Ratani Bahanda** told him that on 16.09.2021 at 9:00 pm, Mora Angariya, Kundan Agariya and CICL/Juvenile came to her house. First, of all they asked for khaini from his elder mother Kodma Angariya and she gave them khaini, after which all three left and after about half an hour, all three came again and said that he has lost his torch, then his elder mother said that no torch has been lost here. Regarding this, the above three abused her elder mother and dragged her out of the house. His niece tried to save his elder mother there but she could not and also threatened her not to tell this to anyone. On 19.09.2021, after receiving the said

information, he came to his village and from his house he went to the house of Munda Goma Angaria and took him to the police station, where they gave all the information about the above incident to the police. After this, the body of his elder mother was recovered from Sangi Kocha river by the police and the body was sent to Chakradharpur Hospital for post-mortem, where his statement was recorded, which he had signed after reading and understanding it, he identified his signature, which he identified, marked as, Exhibit-P1/PW1. This witness has put his signature on inquest report of deceased Kodma Angaria, which he identified, marked as Exhibit-P2/PW1. This witness has identified the CICL/Juvenile, present in the Board.

During cross-examination, he has deposed that the people against whom he has filed this case are his brothers. He did not see the incident. He has further deposed that he has deposed before the board, as told by her niece.

6. PW2 Mahendra Samad has deposed in his examination-in-chief that the occurrence is of two years ago. He was at home on the day of the incident. He had heard from the villagers that an old woman named Kodama from his village was murdered and her body was found in the river.

During cross-examination, he deposed that he has neither personal knowledge about the occurrence nor seen the incident.

7. PW3 Birsa Angariya has deposed in his examination-in-chief that the attested arrest memo of Kundan Angaria and Mora Angaria attached with the record bears his signature as arrest verification, which he identified, marked as Exhibit-P-3/PW3 and P-4/PW3 respectively.

During cross-examination, he has deposed that he has no personal knowledge about the occurrence. He identified the juvenile, as because is resident of his village.

8. PW4 Gurubari Angariya has deposed in his examination-in-chief that his thumb impression is on the detention memo of CICL/Juvenile annexed to the record. The attested arrest memo of Kundan Angaria is

attached with the record with his right thumb impression as arrest verification.

During cross-examination, he has deposed that today he is giving statement for the first time, before this he had not given any statement anywhere. He come to depose before the board, on receiving of notice.

9. PW5 Sumi Angariya has deposed in her examination-in-chief that police took her right thumb impression on the arrest memo of accused Mora Angariya.

During cross-examination, she has deposed that police had taken her right thumb impression on the arrest memo, without reading it out to her. She come to depose before the board, on receiving of notice.

10. PW6 Goma Angariya has deposed in his examination-in-chief that the incident was occurred two years ago. On that day he was at home. That day, Rauto Angaria told him that elder mother Kodama Angariya was kidnapped by Mora Angariya, Kundan Angariya and CICL/Juvenile 'X' after entering the house and she was assaulted with stones near the field and thrown in the drain after killing her. After telling the above, he and other people went to the place of occurrence and saw that the body of Kodama Angaria was lying in the drain and the only clothing on her body was petticoat and the rest of her body was half naked and there was an injury on her head and her body was swollen with water. This witness has identified the CICL/Juvenile, who was produced through Jitsi Meet App.

During cross-examination, he has deposed that he identified the CICL/Juvenile 'X' from earlier, as because he is resident from his nearby. This incident did not happen in front of his eyes. He has no personal knowledge about the occurrence.

11. PW7 Lambora Meral and PW8 Motilal Lohar have deposed in their examination-in-chief that the occurrence is of two years ago. On that they were **in his house. They have further deposed that they were**

informed by Munda of village Barela that Kodama Agariya of the same village was committed murder and thrown into the drain. When they went there to verify this matter, saw that the body of Kodama Angaria was lying in the drain. They had heard that Mora Agariya, Kundan Agariya and CICL/Juvenile 'X' together had hit her with a stone and thrown her in the drain. They have identified the CICL/Juvenile, who was produced through Jitsi Meet App.

During cross-examination, they have deposed that they have identified the Juvenile from earlier as he is resident of village Badela. He did not see the incident taking place as to who murdered whom. He has no personal knowledge about the occurrence.

12. PW9 Suman Kumar Kanth has deposed in his examination-in-chief that on 21.09.2021 he was handed over the charge of investigation of this case. After taking over the charge of investigation, he went through the statement of informant, FIR, seizure list and death inquest report. Thereafter, he recorded the statement of informant Rautu Angariya, in which he has supported the incident. The first place of occurrence is located about 6 km away from Goilkera police station in the south-west direction. Where from the house the grandma of informant was dragged by Mora Angariya, Kundan Angariya and CICL/Juvenile and taken to the banks of Sangi river. Thereafter, the witness has described the boundary of the first place of occurrence.

The second place of occurrence of the case is situated 6 km and 200 meters from Goilkera police station. Where it is stated that the FIR accused of the case Mora Angariya, Kundan Angariya and CICL/Juvenile dragged the grandmother from her house and took her to a Mahua tree and killed her by crushing her with a stone. Thereafter, he has described the boundary of the second place of occurrence.

The third place of occurrence of this case is situated at a distance of 6 Km and 250 meters from Goilkera Police Station, where the FIR accused of this case Mora Angaria, Kundan Angaria and CICL/Juvenile dragged the grandmother of informant from her house, took her to a Mahua tree, crushed her with a stone and then threw her on the bank of the Rungi River, from where the dead body of the deceased was recovered. Thereafter, this witness has described the boundary of third place of occurrence. The restraining memorandum annexed with the record has been prepared by him in his handwriting and signature, which he identified, marked as Exhibit-P4/PW9. Thereafter, confessional statement of both the accused persons and the juvenile was taken, in which they accepted their involvement in this case. Exhibits seized in case were sent to the Forensic Science Laboratory, Jharkhand-Ranchi. An application was submitted for collecting blood sample of Namsi Boboga, daughter of deceased Kodma Angaria, from the blood and soil found on the stone seized in the case and matching it with the blood seized in the case and for conducting DNA profiling and for deputation of a doctor. Thereafter, the post mortem report of the deceased Kodma Agariya was received. He has further submitted that blood samples of Nami Bomboga, daughter of deceased Kodma Angaria, were collected from the soil and blood on the stone seized in the case and sent to the Forensic Science Laboratory, Jharkhand-Ranchi. Thereafter, he has submitted the charge sheet against the accused persons, Mora Angariya, Kundan Angariya and juvenile vide C.S. No.62/2021 dt. 21.12.2021 U/s 302/201/34 IPC. The endorsement on the statement is recorded in the handwriting and signature of the then officer-in-charge P.S.I.Vikas Kumar, which he identified, marked as Exhibit-P1/1-PW9. The formal FIR has been marked as Exhibits-P5-PW9. In this case the seizure list has been prepared by ASI Subodh Kumar in his handwriting and signature, which he identified, marked as Exhibits-P6-PW9. The death inquest report has been

prepared by ASI Subodh Kumar in his handwriting and signature, which he identified, marked as Exhibit-P2/1-PW9. The witness has identified the juvenile present in the board.

During cross-examination, he has deposed that during investigation, Ratni Bahanda is an eyewitness of this case, but her statement u/s 164 of Cr.P.C. has not been recorded. He has further deposed that witnesses Rautu Angariya, Goma Angariya, Motilal Lohar and Lambora Merel are not eyewitnesses of this incident. The informant came to know about the incident from his niece (bhagini) Ratni Bahanda. Apart from the statement of Ratni Bahanda he did not find any other evidence against the CICL/Juvenile. During the course of investigation he has not received any report from F.S.L. Ranchi.

13. PW10 Dr. Vibhakar Kumar has deposed in his examination-in-chief that on 20.09.2021, he was posted as Assistant Professor, Department of FM.T. M.G.M. Medical College, Jamshedpur, on that day at 03:00 PM. he conducted the postmortem examination over a dead body of Kodma Angaria, Female aged 65 years, W/o Late Bamia Angariya, Vill. Baraila, P.S. Goilkeria, Dist - West Singhbhum. Body was brought and identified by Hawaldar Manku Kachhap.

2. When the body was brought before him, the body was average built Rigor mortis absent. Marbling and peeling of skin present. Scalp hairs detached from scalp. Maggots crawl over body.

3. Lacerated wound (i) 2cmx1cm into scalp deep over right side parietal region of scalp. (ii) 18cmx7cm into bone deep over right temporal scalp with depressed commutated fracture of underneath bone. (iii) Left lower calf lacerated with protusion of muscle and is 6cmx3cm into muscle deep side. (iv) 8cmx3cm into muscle deep over left thigh back with protusion of muscle.

Internal- Fracture of body of sternum and fracture of two ribs of right side
Brain liquefied and blood stained.

Opinion:-

(i) Above noted injuries are antemortem in nature, caused by hard and blunt object.

(ii) Death was due to above noted fatal head injuries.

(iii) Time elapsed since death is approximately 03 days to 04 days from the time of postmortem examination.

This certified copy of postmortem examination report was prepared by him in his writing and signature to which he identified, marked as Exhibit-P-4/PW10.

During cross-examination, he has deposed that the injury present over the body in this case are not possible due to fall over hard and blunt surface. No photograph of the dead body provided by police.

14. I have heard the submissions made by the Ld. A.P.P. and Ld. defence counsel and carefully perused the evidences and documents on record.

15. I have scrutinized the facts and circumstances and perused the record and the evidences as available on record, it appears that in order to prove the case, the prosecution has examined ten witnesses. In this case, the Juvenile is facing an allegation of commission of murder and involvement in criminal conspiracy. It will highly unsafe to pass any order without entering into the merit of this case, in order to appreciate the evidence brought on record, *"it is cardinal principle of the criminal law is that the Juvenile is presumed to be innocent unless proven guilty beyond the shadow of all reasonable doubt. The burden of proving the guilt of accused*

16. Before going further into the matter regarding the appreciation of evidence, it is well settled that precedence are of no help in the matter of

appreciation of evidence adduced in a case. Each case depends upon its own facts. Whether the evidence brought on record is admissible or whether the testimonies given by the witnesses shall be taken into isolation or not. It shall be considered with other circumstances and its probability.

17. Now, the present case has been instituted at the instance of **PW1**, who is the informant of this case and from his evidence, it is manifest that 19.09.2021 at about 8:45 P.M. he received a call from Goma Angariya that his aunt Kodama Angariya was murdered and her body was thrown into the Sangi Kocha river. At that time he was in Goilker. Regarding this incident, his **niece (Bhagini) Ratani Bahanda** told him that on 16.09.2021 at 9:00 pm, Mora Angariya, Kundan Agariya and CICL/Juvenile came to her house and asked for tobacco from victim Kodma Angariya thereafter they left. Half an hour later, them all came again looking for their torch, then his aunt said that no torch has been lost here. In this connection they abused his aunt and dragged her out of the house. His niece **Ratani Bahanda** tried to save her there but she failed. On such information, he came to his village and went to the house of Munda Goma Angaria and together went to the police station. After this, the body of his aunt was taken to Chakradharpur Hospital for post-mortem, he has put his signature and the same has been proved and marked as exhibit. This witness has identified the CICL/Juvenile, present in the Board. Whereas in his testimony the informant has deposed that he did not see the incident. He has deposed as per information given by her niece.

PW2 and PW 6 are hearsay witnesses and only supported the factum of occurrence and **PW3, PW4 and PW5** are apprehension memo witnesses and they have stated nothing about the factum occurrence. In their testimonies them have deposed that they have no personal knowledge about the occurrence and PW2 also deposed that he has not seen the incident. **PW4 and PW5** deposed that police took their thumb impression on the apprehension memo of juvenile. On their testimony they have only deposed that they came to depose before the board on receiving

of notice. **PW7** and **PW8** are also hearsay witnesses have deposed that they were informed about the occurrence by Munda of village Barela that Kodama Agariya of the same village was committed murder and thrown into the drain, thereafter, they went there and saw the dead body was lying in the drain. They have heard that Mora Agariya, Kundan Agariya and CICL/Juvenile 'X' together had hit her with a stone and thrown her in the drain. They have identified the CICL/Juvenile, who was produced through Jitsi Meet App. But during their testimonies, they have deposed that they have identified the Juvenile from earlier as he is resident of village Badela. They did not see the incident taking place as to who murdered whom and also they have no any personal knowledge about the occurrence. Whereas PW 10 is medical officer who has deposed that injury are ante mortem in nature, caused by hard and blunt object. And the cause of death was fatal head injuries.

Thus, from the testimonies of PW1 to PW5, it is crystal clear that these witnesses do not know who have committed the alleged occurrence, whereas PW6 to PW8 are also hearsay witnesses and deposed about the occurrence as told by others and saw the dead body of deceased, but they have neither seen the occurrence nor have any personal knowledge about the occurrence. PW 1 who is the informant has deposed on para no. 02 that he was informed about the occurrence through his niece name Ratni Bahanda; who also tried to rescue the victim, when the victim was attacked by the Juvenile and his other companions. Hence it appears that Ratni Bahanda is eye witness of the case and her testimony was crucial for the case to prove the same. But the prosecution has failed to examine her.

From perusing the evidence placed on record and over all assessment of the same, this Board finds and hold that the prosecution has failed to proved the substance of allegation leveled against the Juvenile "X", beyond the shadow of any reasonable doubt.

Accordingly, the CICL "X", is given benefit of doubt and held not guilty of the offence U/s 302/201/34 of IPC. The aforesaid child in conflict with law is in Observation Home, Chaibasa. As such, Suptd. of Observation Home, is directed to release the aforesaid CICL/Juvenile from the custody, if the said CICL/Juvenile is not wanted in any other case.

Office is directed to issue release order at once.

(DICTATED AND CORRECTED BY US)

(Supriya Rani Tigga)
Principal Magistrate
Juvenile Justice Board, Chaibasa.
J.O.Code-JH01167

Member: Sanjay Kumar Birua,
J.J.B., Member, Chaibasa,

Chaibasa, Dated : The 19th day of September, 2024.