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22-09-2018	31-07-2026	7 Y, 10 M, 9 D
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27-07-2026	31-07-2026	0 Y, 0 M, 4 D
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31-07-2026	01-08-2026	0 Y, 0 M, 1 D



CNR No. UPAN010040482018

IN THE COURT OF THE SESSIONS JUDGE, AMBEDKAR NAGAR

Presided by: Chandroday Kumar, H.J.S., (JO Code: UP06553)

Sessions Trial No. 144 of 2018

State of Uttar Pradesh . . . *Prosecution*

Versus

- 1. **Rakesh**, S/o Hiralal Gupta
- 2. **Prahlad**, S/o Mithailal
- 3. **Sanjay**, S/o Ramvilas
- 4. **Mahesh Kahar**, S/o Ramjeet

(All residents of Chakmandap, P.S. Alapur, District Ambedkar Nagar)

- 5. **Ramlav Maurya**, S/o Ramlakhan, R/o Maheshpur Mandap, P.S. Alapur, District Ambedkar Nagar

. . . *Accused Persons*

Crime No.: 121 / 2018
Police Station: Alapur, District Ambedkar Nagar
Offences Charged: Sections 147, 323/149, 308/149, 336/149, and 304/149 of the Indian Penal Code, 1860 (IPC)

Appearance:

For the Prosecution: Sri Govind Srivastav, DGC (Criminal)
For Defence: Sri Saiyyad Mohamad Ali Zaidi, Advocate

JUDGMENT

This judgment disposes of Sessions Trial No. 144/2018 arising out of Crime No. 121/2018, Police Station Alapur, District Ambedkar Nagar. The charge-sheet was submitted by the police against the accused persons – Rakesh, Prahlad, Sanjay, Mahesh, and Ramlav – for penal offences under Sections 147, 323, 308, 336, and 304 IPC.

1. PROSECUTION CASE

1. **Factual Matrix:** As per the prosecution story, on **01.07.2018** at approximately **08:00 AM**, the Regional Lekhpal, Fakir Chand, arrived at the spot near the door of complainant Umashankar to measure a field passage (*chakroad*). It is alleged that instead of measuring the *chakroad*, the Lekhpal began measuring the residential (*abadi*) land belonging to the complainant. When the complainant's mother, Smt. Gyanmati, objected to the measurement of the *abadi* land, the accused persons – Rakesh, Prahlad, Umesh, Sanjay, Ramlav, and Mahesh – who harboured old rivalry against the complainant's family, arrived at the spot.
2. **The Alleged Assault:** The accused persons allegedly assembled with common intention/object, armed with lathis, sticks, bricks, and stones, and launched a murderous attack on Smt. Gyanmati. Hearing her cries, the complainant's son, Vipin Kumar, rushed to rescue her, whereupon he was also pelted with stones and assaulted with lathis. Due to severe injuries on her head, eye, and chest, Smt. Gyanmati lost consciousness and began vomiting blood. An ambulance (108) was summoned, and she was shifted to PHC Ramnagar, then referred to District Hospital Ambedkar Nagar, and subsequently referred to the Trauma Centre, Lucknow, where she succumbed to her injuries during treatment later the same day.
3. **Registration of FIR & Investigation:** Complainant Umashankar submitted a written complaint (*Tehrer*, Ex. Ka-1) through his son Vipin Kumar at P.S. Alapur on 01.07.2018 at 12:30 PM. Based on this, Crime No. 121/2018 was registered under Sections 147, 323, and 308 IPC via GD Entry No. 26. Upon the death of the injured Gyanmati, Section 304 IPC was added on the same day at 19:05 hrs via GD Entry No. 39, and Section 336 IPC was added subsequently. The Investigating Officer (PW-7 SI Radheshyam Tripathi) inspected the spot, prepared the site plan (Ex. Ka-7), recorded statements under Section 161 Cr.P.C., and verified the inquest and post-mortem reports. During investigation, named accused Umesh was found innocent and exonerated. A charge-

sheet (Ex. Ka-6) was submitted against the remaining five accused persons.

4. **Committal & Framing of Charges:** The Judicial Magistrate, Tanda, took cognisance on 07.09.2018, provided copies under Section 207 Cr.P.C., and committed the case to the Court of Sessions vide order dated 18.09.2018. Charges were framed against all five accused persons under **Sections 147, 323/149, 308/149, 336/149, and 304/149 IPC**. The accused pleaded not guilty and claimed trial.

2. EVIDENCE PRODUCED BY PROSECUTION

Oral Evidence:

1. **PW-1 (Umashankar Mishra):** Complainant and son of the deceased.
2. **PW-2 (Vipin Mishra):** Grandson of the deceased and allegedly injured eye-witness.
3. **PW-3 (Chandra Prakash):** Current Village Pradhan of Maheshpur Mandap and alleged eye-witness.
4. **PW-4 (Dr. Masood Akhtar):** Medical Officer who conducted the Autopsy/Post-Mortem examination at Lucknow.
5. **PW-5 (Dr. M.L. Nigam):** Medical Officer, PHC Ramnagar, who examined injured PW-2 Vipin Kumar.
6. **PW-6 (Constable Pramod Kumar Yadav):** Police scribe who registered the GD and Chik FIR.
7. **PW-7 (Retd. SI Radheshyam Tripathi):** Investigating Officer.

Documentary Evidence:

1. **Ex. Ka-1:** Written Complaint (*Tehrer*)
2. **Ex. Ka-2:** Inquest Report (*Panchayatnama*)
3. **Ex. Ka-2/1:** Post-Mortem Report
4. **Ex. Ka-3:** Injury Report of Vipin Kumar
5. **Ex. Ka-4:** GD Entry of Registration
6. **Ex. Ka-5:** Chik FIR
7. **Ex. Ka-6:** Charge-Sheet
8. **Ex. Ka-7:** Site Plan (*Naksha Nazri*)

3. STATEMENT OF ACCUSED & DEFENSE EVIDENCE

1. **Plea under Section 313 Cr.P.C.:** The accused persons denied all prosecution allegations, claiming total innocence. They asserted that they were falsely implicated due to deep-seated local village factionalism and political enmity surrounding the *Pradhani* elections.
2. **Defence Case:** The defence pleaded an alternative factual version: On 01.07.2018 at 08:00 AM, complainant Umashankar, his son Vipin, Chandra Prakash (PW-3), Phoolchand, and Santosh were assaulting Ramjeet (father of accused Mahesh). Hearing the commotion, the deceased Smt. Gyanmati (aged ~65-70 years) ran down from the rooftop staircase; owing to rain, she slipped on the stairs, fell down, suffered severe head injuries, and subsequently died during treatment.
3. **Defence Witnesses:**
 - 1) **DW-1 (Rajkumar):** Immediate neighbour, testified that deceased Gyanmati slipped from the rooftop staircase due to rain.
 - 2) **DW-2 (Satyadev Maurya):** Resident, testified that Gyanmati fell off the stairs during rain, sustaining fatal injuries accidentally.
 - 3) **DW-3 (Dayakrishna Maurya):** Resident, affirmed the staircase accident version.
 - 4) **DW-4 (Usha Devi):** Present Village Pradhan, testified that she was nearby roasting grain (*bhunja*) and saw Gyanmati slip and fall off the staircase.

4. POINTS FOR DETERMINATION

Upon thorough examination of the records and having heard the learned counsels for both sides, the following point of determination has been formulated.

1. **Point No. 1:** Whether on 01.07.2018 at around 08:00 AM at Village Chakmandap, the accused persons formed an unlawful assembly armed with deadly weapons with the common object of committing rioting and stone-pelting, thereby committing offences under Sections 147 and 336/149 IPC?
2. **Point No. 2:** Whether the accused persons, in prosecution of the common object of such unlawful assembly, voluntarily caused

simple hurt to PW-2 Vipin Kumar, committing an offence under Section 323/149 IPC?

3. **Point No. 3:** Whether the accused persons, in prosecution of the common object, committed an assault on Smt. Gyanmati with the knowledge or intention to cause such bodily injuries as were likely to cause death, resulting in her death (culpable homicide not amounting to murder), punishable under Sections 308/149 and 304/149 IPC?

5. APPRECIATION OF EVIDENCE & REASONING

I. Unreliability and Fatal Admission of Alleged Eye-Witness PW-1 (Umashankar):

1. In his examination-in-chief, PW-1 Umashankar portrayed himself as an eye-witness to the entire incident. However, during rigorous cross-examination, PW-1 made a devastating admission:

"I regularly go to Saryu river to take a dip every Sunday. The day of the incident was a Sunday, and I had gone to Chauhada Ghat to bathe in the Saryu river. The distance from my home to Chauhada Ghat is 10 kilometres. I returned only after the Pradhan informed me about the incident."

2. This admission completely dismantles his status as an eye-witness. PW-1 was absent from the village, standing 10 kilometers away at the time of the occurrence. His chief testimony claiming to have seen the assault is demonstrably false, severely undermining the foundation of the prosecution story. He has further admitted that he did not get any injury in saving his mother. No injury to the witness indicates his non-presence at the incident site.

II. Material Contradictions and Vulnerabilities in PW-2 and PW-3:

1. **PW-2 (Vipin Kumar):** Admitted in cross-examination that he has been residing continuously in Delhi since 2009. He further conceded: *"At the time of the incident, I could not understand who was present and who was not... I am stating for the first time in court that two persons were beating while four ran away."* It is suggested that he sustained injuries in rescuing his grandmother who fell down the stairs. Such evasive and inconsistent statements render PW-2 an unreliable witness.
2. **PW-3 (Chandra Prakash):** PW-3 is the local Village Pradhan. PW-2 admits that PW-3 was not present when the occurrence took place. Cross-examination revealed intense, pre-existing litigation and political rivalry between PW-3 and accused Ramlav.

Specifically, accused Ramlav's son had previously registered a criminal case under Section 308 IPC (Crime No. 195/2015) against PW-3, which is currently pending trial. Moreover, PW-3 turned hostile during trial regarding accused Rakesh's presence before being re-examined by the prosecution. Standing 20 meters away, PW-3 admitted he did not receive a single scratch despite claiming that bricks and stones were pelted indiscriminately.

III. Independent Revenue Evidence & Non-Examination of Lekhpal:

1. The core premise of the FIR was that the fight broke out during an official measurement of a *chakroad* by Regional Lekhpal Fakir Chand.
2. Crucially, the Investigating Officer (PW-7 SI Radheshyam Tripathi) admitted in his cross-examination:

"During statement under Section 161 Cr.P.C., Lekhpal Fakir Chand stated that no dispute, fight, or assault took place in his presence during the measurement."

3. The prosecution failed to produce Lekhpal Fakir Chand in court. Withholding the single most vital, neutral government official who was present at the alleged inception of the crime creates an adverse inference against the prosecution under Section 114(g) of the Indian Evidence Act.

IV. Absence of Weapon Recovery and Physical Corroboration:

1. PW-7 (IO) admitted that **no weapons (lathis/dandas), bricks, or stones were ever seized or recovered** from the scene of the crime or from the possession of any accused.
2. Although PW-1 and PW-7 claimed that "countless bricks and stones" were lying on the spot, the site plan (*Naksha Nazri*, Ex. Ka-7) contains zero indication or marking of brickbats, stone debris, or the direction of stone-pelting.

V. Medical Evidence vs. Defence Version:

1. **PW-4 (Dr. Masood Akhtar):** Confirmed that Smt. Gyanmati died of coma resulting from head fractures (temporal, parietal, frontal bones) and hematoma. The external injuries were as follows:
 1. Lacerated wound measuring 2 cm × 1 cm, muscle-deep, on the right ear lobule.
 2. Contusion (Bruise) measuring 12 cm × 6 cm on the right side of the head, above the ear.
 3. Contusion (Bruise) measuring 7 cm × 4 cm on the anterior aspect of the head, above the root of the nose.

4. Contusion (Bruise) measuring 4 cm × 2 cm on the right side of the face, just below the right eye.
5. Abraded contusion measuring 4 cm × 4 cm on the upper middle back.

During court questioning, PW-4 explicitly concurred that *injury No. 2 can also be caused by falling on a hard object. Injury No. 3 can be caused by falling face down. The internal injury found in the right temporal and parietal bone was the result of Injury No. 2 and 3. A hematoma was present throughout the brain.*

In this case, it is notable that the sizes of fatal injuries Nos. 2, 3 & 4 are remarkably wide, which may not occur from a laathi-danda. The probability of injuries aligning with fall theory is higher than assault theory.

2. **PW-5 (Dr. M.L. Nigam):** Examined PW-2 Vipin Kumar almost 12 hours after the alleged incident (at 07:55 PM) and found minor, simple lacerations/abrasions/contusions, which could easily be sustained by a simple slip/fall. The nature of the injuries does not clearly indicate that the witness is a victim of the incident. The injuries are as follows:

1. Injury No. 1: Abrasion measuring 4 cm × 1.5 cm on the right shoulder, which may be around 12 hours old.
2. Injury No. 2: Lacerated wound measuring 2.5 cm × 0.2 cm on the posterior aspect of the left shoulder, which was swollen. Referred for X-ray.
3. Injury No. 3: Abrasion measuring 5.5 cm × 0.1 cm on the left side of the abdomen.
4. Injury No. 4: Pain and swelling measuring 2 cm × 1 cm on the back (dorsal aspect) of the left hand. Referred for X-ray.

Opinion: In the doctor's opinion, injuries were simple in nature.

3. Four defence witnesses (DW-1 to DW-4), including independent neighbour DW-1 Rajkumar and current Pradhan DW-4 Usha Devi, consistently deposed that on the rainy morning of 01.07.2018, Smt. Gyanmati (aged 65-70 years) slipped off her rooftop stairs while running down, sustaining fatal head injuries.
4. During the final arguments, the complainant presented a video claiming that the staircase is not visible from outside the house. However, this video was neither part of the investigation nor the trial, so it cannot be relied upon.

VI. Legal Precedents & Standards of Proof:

1. It is a settled principle of criminal jurisprudence, as articulated by the Hon'ble Supreme Court in [The State of Bihar vs Basawan](#)

Singh on 21 March, 1958 (1958 AIR 500), Tara Singh v. State of Punjab (AIR 1991 SC 63) and the Privy Council in Sheo Swarup v. King Emperor (AIR 1934 PC 227(2)), that where witnesses belong to a partisan faction locked in prior enmity, their testimony must be subjected to strict scrutiny. Where an eye-witness (PW-1) is proven to be absent from the scene, and the primary neutral witness (Lekhpal) refutes the incident before the IO, the prosecution case loses its trustworthiness.

2. Under the rule of reasonable doubt, if two views are reasonably plausible on the evidence – one pointing to the guilt of the accused and the other to an accidental fall – the view favourable to the accused must be accepted (Ghurey Lal vs State Of U.P on 30 July, 2008, (2008) 10 SCC 450).

6. FINDINGS ON POINTS FOR DETERMINATION

1. **On Point No. 1 (Sections 147, 336/149 IPC): NOT PROVED.** The prosecution failed to establish the formation of an unlawful assembly or any active stone-pelting by the accused.
2. **On Point No. 2 (Section 323/149 IPC): NOT PROVED.** Simple injuries on PW-2 are uncorroborated by independent evidence and fail to link the accused beyond doubt.
3. **On Point No. 3 (Sections 308/149, 304/149 IPC): NOT PROVED.** The death of Smt. Gyanmati is surrounded by grave doubt; the probability of an accidental fall from a wet staircase cannot be ruled out, and the eye-witness account stands shattered.

7. ORDER

Giving the benefit of reasonable doubt, the Court passes the following order:

1. Accused **1. Rakesh, 2. Prahlad, 3. Sanjay, 4. Mahesh Kahar, and 5. Ramlav Maurya** are hereby **ACQUITTED** of all charges under **Sections 147, 323/149, 308/149, 336/149, and 304/149 of the Indian Penal Code, 1860** in Sessions Trial No. 144/2018 (Crime No. 121/2018, P.S. Alapur).
2. The accused persons are on bail. Their bail bonds stand cancelled, and their sureties are discharged.
3. Material objects/exhibits, if any, shall be disposed of in accordance with rules after the expiry of the period of appeal.

The Judgment is signed, dated and pronounced in open Court today.

(Chandroday Kumar)

Sessions Judge, Ambedkar Nagar

Date: 31.07.2026

In compliance with the Hon’ble Supreme Court mandate in [*Manojbhai Jethabhai Parmar \(Rohit\) vs The State of Gujarat \(2025 INSC 1433\)*](#), below is the structured and uniform tabulation of evidence for **Sessions Trial No. 144 of 2018**.

1. Case Details & Overview

Parameter	Details
Court	Court of the Sessions Judge, Ambedkar Nagar (Presided by Chandroday Kumar, H.J.S.)
Case / Trial No.	Sessions Trial No. 144 of 2018 (Arising out of Crime No. 121/2018, P.S. Alapur)
Accused Persons	1. Rakesh, 2. Prahlad, 3. Sanjay, 4. Mahesh Kahar, 5. Ramlav Maurya
Offences Charged	Sections 147, 323/149, 308/149, 336/149, and 304/149 IPC
Final Finding	Acquitted of all charges (Benefit of reasonable doubt)

2. Tabulation of Prosecution Oral Evidence (PWs)

Witness	Name & Designation / Status	Key Testimony / Description	Judicial Assessment & Key Admissions
PW-1	Umashankar Mishra (Complainant & Son of Deceased)	Deposed as an eye-witness to the alleged assault on his mother (Smt. Gyanmati) by the accused.	Unreliable / Non-Presence: Admitted in cross-examination that he was 10 km away at Chauhada Ghat taking a dip in the Saryu river at the time of the incident. Received no injuries.
PW-2	Vipin Mishra (Grandson of Deceased)	Alleged injured eye-witness who rushed to rescue the deceased.	Inconsistent / Evasive: Lives in Delhi since 2009; admitted he could not understand who was present; contradicted previous statement regarding the number of assailants.

Witness	Name & Designation / Status	Key Testimony / Description	Judicial Assessment & Key Admissions
PW-3	Chandra Prakash (Village Pradhan)	Alleged eye-witness to the stone-pelting and assault.	Partisan / Hostile: PW-2 admitted PW-3 was not present. Hostile regarding accused Rakesh's presence. Pre-existing litigation/rivalry with accused Ramlav (Crime No. 195/2015 u/s 308 IPC). Sustained no injuries.
PW-4	Dr. Masood Akhtar (Medical Officer)	Conducted autopsy/post-mortem examination of deceased Smt. Gyanmati.	Corroborates Defence Theory: Confirmed cause of death was coma from head fractures. Concurred that wide injuries could naturally result from an elderly person falling on a hard surface/staircase.
PW-5	Dr. M.L. Nigam (Medical Officer, PHC Ramnagar)	Examined injured PW-2 Vipin Kumar.	Simple / Delayed: Examined PW-2 12 hours post-incident; found simple abrasions/contusions consistent with a simple slip/fall.
PW-6	Constable Pramod Kumar Yadav (Police Scribe)	Registered GD entries and Chik FIR.	Formal police witness.
PW-7	Retd. SI Radheshyam Tripathi (Investigating Officer)	Conducted investigation and submitted charge-sheet.	Fatal Omissions: Admitted Lekhpal Fakir Chand stated no fight occurred during measurement. Admitted no weapons

Witness	Name & Designation / Status	Key Testimony / Description	Judicial Assessment & Key Admissions
			(lathis), bricks, or stones were recovered.

3. Tabulation of Documentary Evidence (Exhibits)

Exhibit No.	Description of Document	Proving Witness	Remarks / Key Findings
Ex. Ka-1	Written Complaint (<i>Tehrer</i>)	PW-1 / PW-6	Basis of FIR registration.
Ex. Ka-2 & 2/1	Inquest Report (<i>Panchayatnama</i>) & Post-Mortem Report	PW-4 / PW-7	Established head fractures and hematoma as cause of death.
Ex. Ka-3	Injury Report of PW-2 Vipin Kumar	PW-5	Shows 4 simple/minor injuries, examined 12 hours post-incident.
Ex. Ka-4	GD Entry of Registration	PW-6	Formal police registration record.
Ex. Ka-5	Chik FIR	PW-6	Registered under Sections 147, 323, 308 IPC (later Sections 304, 336 added).
Ex. Ka-6	Charge-Sheet	PW-7	Submitted against 5 accused (exonerated named accused Umesh).
Ex. Ka-7	Site Plan (<i>Naksha Nazri</i>)	PW-7	Contains zero markings of brickbats, stone debris, or direction of stone-pelting.

4. Tabulation of Defence Oral Evidence (DWs)

Witness	Name & Status	Defence Version / Summary of Deposition
DW-1	Rajkumar (Immediate Neighbour)	Deposed that on the rainy morning of 01.07.2018, Smt. Gyanmati slipped and fell off the rooftop staircase, sustaining fatal head injuries.
DW-2	Satyadev Maurya (Village Resident)	Confirmed that Smt. Gyanmati accidentally fell off the stairs during rain, causing her death.
DW-3	Dayakrishna Maurya (Village Resident)	Affirmed the accidental staircase fall theory.
DW-4	Usha Devi (Present Village Pradhan)	Direct eye-witness to the fall; testified she was nearby roasting grain (<i>bhunja</i>) and saw Smt. Gyanmati slip off the stairs.

5. Tabulation of Medical & Physical Findings

Subject / Evidence	Prosecution Claim	Medical / Physical Evidence Evaluation	Conclusion / Finding
Deceased (Smt. Gyanmati)	Assaulted with <i>lathis</i> , sticks, bricks, and stones.	Sustained broad contusions on the head (12 cm x 6 cm), anterior head (7 cm x 4 cm), and face (4 cm x 2 cm). PW-4 agreed these broad injuries align better with a fall on a hard surface/staircase than <i>lathi</i> blows.	Aligning higher with accidental fall theory.
Injured (PW-2 Vipin Kumar)	Assaulted by multiple accused with weapons/stones.	PW-5 noted 4 simple, minor abrasions/contusions, examined 12 hours after the incident.	Could easily be sustained by a simple slip/fall.
Weapons & Physical	Countless bricks and	No <i>lathis</i> , sticks, bricks, or stones	Complete lack of

Subject / Evidence	Prosecution Claim	Medical / Physical Evidence Evaluation	Conclusion / Finding
Spot Evidence	stones pelted; <i>lathis</i> used.	were recovered or seized by PW-7. Site plan (Ex. Ka-7) shows no debris.	physical corroboration.
Independent Witness (Lekhpal Fakir Chand)	Incident occurred during official land measurement by Lekhpal.	Statement u/s 161 Cr.P.C. refutes any dispute/assault in his presence. Withheld from trial court.	Adverse inference drawn under Section 114(g) Evidence Act.

(Chandroday Kumar)
Sessions Judge, Ambedkar Nagar
Date: 31.07.2026

Chandroday
Kumar

Digitally signed by Chandroday Kumar
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