



झारखण्ड राज्य विधिज्ञ परिषद्
JHARKHAND STATE BAR COUNCIL

(Statutory Body Constituted Under The Advocates' Act, 1961)

Justice Colony, North Office Para, Doranda, Ranchi-834002

Phone : 0651-2410008, 62039 16170

E-mail : jharkhandstatebarcouncil2005@gmail.com | Website : www.jharkhandstatebarcouncil.org

Ref. No. : 830 To, 853/2026

Date : 07/04/2026

All the Principal District & Sessions Judge,

All the District of Jharkhand

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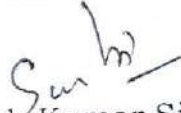
per

21-04-2026

Respected Sir,

As directed, I hereby forward to you a copy of order dated 4.4.2026 passed by the Hon'ble Chairman, Jharkhand State Bar Council.

Yours faithfully


(Santosh Kumar Singh)
Secretary In-charge
Jharkhand State Bar Council

Enclosure:

1. Copy of order dated 4.4.2026 passed by Hon'ble Chairman, JSBC
2. Copy of judgement in T.R. No. 31/2026 arising out of Doranda P.S. Case No. 191/2012.

Order

Date: 04.04.2026

The Council has received judgment in T.R. No.31/2026 arising out of Doranda P.S. Case No. 191/2012 corresponding to G.R. No. 2297/2012 passed by the learned Judicial Magistrate, 1st Class, Sri Sarthak Sharma on 30.3.2026, by which the learned Magistrate has held the accused Mahesh Tewari @ Mahesh Tiwary (Advocate) guilty of offence punishable under section 341, 323, 354, 504 and 506 IPC and has recorded his conviction for the said offence and the learned Magistrate has sentenced Mahesh Tewari as under

S. No.	Rank of the convict	Provision for the offence	Punishment Awarded by the Court
1	A-1	Section 354 IPC	2 years (S.I), and fine of Rs. 10,000/- in default, 2 months (S.I)
2	A-1	Section 323 IPC	6 months (S.I) and fine Rs. 1000, in default, 15 days (S.I)
3	A-1	Section 341 IPC	1 Month (S.I) and fine Rs. 500/- in default, 3 days (S.I)
4	A-1	Section 504 IPC	6 months, (S.I), and Fine Rs. 3000/- in default, 15 days (S.I)
5	A-1	Section 506 IPC	1 Year (S.I) and fine Rs. 5000/- in default, 1 Month (S.I)

The aforesaid judgment has been provided to the Council by Mrs. Ritu Kumar, Advocate (President, Advocates Association, Jharkhand High Court), Ranchi alongwith others rules and the order passed time to time.

Section 24-A of the Advocates Act, 1961 deals about the Disqualification for enrolment. The aforesaid section further states that no person shall be admitted as an Advocate on the State Roll if he is convicted of offence involving moral turpitude.

There is no provision under section 24-A of the Advocates' Act 1961 for the advocate already enrolled if he is convicted for offence involving

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moral turpitude. Section -24 A of the Advocates Act, 1961 is being quoted herein below:

Section 24A- Disqualification for enrolment (1) No person shall be admitted as an advocate on a State roll

(a) if he is convicted of an offence involving moral turpitude;

(b) if he is convicted of an offence under the provisions of the Untouchability (Offences) Act, 1955 (22 of 1955);

(c) if he is dismissed or removed from employment or office under the State on any charge involving moral turpitude.

Explanation. In this clause, the expression "State" shall have the meaning assigned to it under article 12 of the Constitution.]

Provided that the disqualification for enrolment as aforesaid shall cease to have effect after a period of two years has elapsed since his [release or dismissal or, as the case may be, removal.]

The aforesaid issue has been interpreted and clarified by the Hon'ble Supreme Court of India in the case of Mahipal Singh Rana vs. State of U.P reported in 2016(SCC) 8 SCC 335. Para-48 and 49 of the aforesaid judgment is relevant, which is being quoted herein below:

48. Apart from the above, we do not find any reason to hold that the bar applicable at the entry level is wiped out after the enrolment. Having regard to the object of the provision, the said bar certainly operates post enrolment also. However, till a suitable amendment is made, the bar is operative only for two years in terms of the statutory provision.

49. In these circumstances, Section 24-A which debars a convicted person being enrolled applies to an advocate on the rolls of the Bar Council for a period of two years, if convicted for contempt.

Therefore, Section 24 A of the Advocates Act shall also apply to the Advocates already enrolled. The provision of section 24-A of the Advocates Act categorically provides that the disqualification under section 24-A shall cease to have effect after a period of two years has elapsed since such conviction.

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Therefore, taking into consideration the paragraph no. 48 and 49 of the aforesaid judgment passed in the case of Mahipal Singh Rana vs. State of U.P. and Section 24-A of the Advocates' Act alongwith its proviso, the mandate of law is that any advocate if is convicted for offence involving moral turpitude, his license to practice as an Advocate will also be suspended for a period of two years. The mandate of law, as stated above, does not need any adjudication. Therefore, no prior notice is required to be served upon Mr. Mahesh Tewari, Advocate, Jharkhand High Court, Ranchi. Therefore, the Council is duty bound to inform all the stake holders regarding conviction of Sri Mahesh Tewari (Advocate) for the offence involving moral turpitude.

As stated above and under the mandate of law already decided, license to practice of Sri Mahesh Tewari as an advocate shall continue to be under suspension for a period of two years from the date of passing of order of the conviction.

Copy of the judgment in T.R. No.31/2026 arising out of Doranda P.S. Case No. 191/2012 corresponding to G.R. No. 2297/2012 passed by the learned Judicial Magistrate, 1st Class, Sri Sarthak Sharma on 30.3.2026 is enclosed herewith.

This is for your information and necessary action.

Copy of the same shall be communicated to

1. Hon'ble the Chief Justice of India, Supreme Court of India
2. Hon'ble the Chief Justice of Jharkhand High Court, Ranchi
3. The Registrar General, Jharkhand High Court, Ranchi
4. The Chairman, Bar Council of India, New Delhi
5. The Chief Returning Officer, J.S.B.C., Ranchi
6. All State Bar Councils
7. All the PDJ, of District Courts, Sub-divisional Court, Jharkhand
8. Sri Mahesh Tewari,
9. Ms. Ritu Kumar, Advocate, Jharkhand High Court, Ranchi



Chairman, Jharkhand State Bar Council.

In the Court of JUDICIAL MAGISTRATE, 1st CLASS, RANCHI

Present- Sri. Sarthak Sharma

Judicial Magistrate, 1st Class

Dated, Ranchi 30th day of March, 2026

District- Ranchi

Case Details:

JHRN030013322012



G.R. Case No- 2297/2012

Arising out of Doranda P.S. 191/2012

I.R. No. 31 /2026

INFORMANT through the STATE	Ritu Kumar, W/o- A.K. Thakur, R/o- 97 Bardhaman Compound, P.S.- Lalpur, District- Ranchi
Represented By	Ms. Jidan Kongari, Ld. APP
ACCUSED	Mahesh Tewari @ Mahesh Tiwary (A-1), S/o- Late Sudhanshu Shekhar Tiwari R/o- Bardhaman Compound, P.S.- Lalpur, District- Ranchi
Represented By	Mr. J. Prakash & Md. Firoz, Ld. Adv. for

	the defence.
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ACCUSED DETAILS:

Rank of the Accused	Name of the Accused	Date of Arrest/Surrender	Date(s) of Released on Bail	Offenses charged with	Whether acquitted or convicted	Sentence Imposed	Period of Detention Undergone during Trial for purpose of Section 428, Cr.P.C.
A-1	Mahesh Tewari @ Mahesh Tiwary	09.05.2012	09.05.2012	S. 323, 341, 354, 504 & 506 of the Indian Penal Code	Convicted under S. 323, 341, 354, 504 & 506 of the Indian Penal Code	Ref Pg. No. 50 & 51	N.A

Date of Occurrence	01.05.2012
Date of Registration of FIR	01.05.2012
Date of Cognizance	20.06.2012
Date of Explanation of Substance	04/01/2014
Date of Commencement of evidence	15.02.2014
Date of closing of prosecution evidence	04.11.2025
Date of recording of statement under S. 313 Cr. P. C.	11.11.2025
Date of closing of the Defence Evidence	07.02.2026
Date of Argument	13.03.2026, 16.03.2026 and 24.03.2026
Date on Judgment is reserved	30.03.2026
Date of Judgment	30.03.2026
Date of Sentencing Order, if any	30.03.2026

JUDGMENT

1. The above named accused person stands tried for the offences punishable under S. 323, 341, 354, 504 & 506 of the Indian Penal Code.

BRIEF FACTS OF THE PROSECUTION CASE

2. The prosecution case, as delineated in the written application of the informant, is that on 01.05.2012 at about 2:30 P.M., the informant, who is an advocate practising before the Hon'ble High Court of Jharkhand, was coming out of Court No. 5 of the said Court. At that very time, the accused person was proceeding towards the said Court and, upon noticing the informant, he came out of Court No. 5 and approached her. It is alleged that the accused, with improper and malicious intent, placed his hand upon the shoulder of the informant and stated "अब तुम्हारा क्या होगा", referring to his having won the election of the Jharkhand State Bar Council. Thereafter, he further stated "अब तुम्हें मजा चखाऊंगा". Upon hearing the said utterances, the informant started crying, whereupon the accused further remarked "साली रोती है, मैं अब तुम्हें ठीक से रुलाता हूँ". It is further alleged that immediately thereafter the accused assaulted the informant by slapping her and pushing her with force, as a result of which she fell to the ground. The accused is further alleged to have kicked the informant on her abdomen and continued to hurl filthy and abusive

language at her. In the meantime, some fellow advocates arrived at the place of occurrence and intervened, rescuing the informant from the accused; otherwise, a more serious and untoward incident might have ensued. Hence, the present case was instituted.

3. On receipt of information, F.I.R was registered as Doranda P.S. Case No. 191/2012 dated 01.05.2012, against Section 341, 323, 354, 506 and 504 of the Indian Penal Code. The case was assigned to be investigated by S.I. J.K. Ram, who, after concluding the investigation, filed Charge sheet vide no. 269/2012, dated 31.05.2012, charging the accused above named, with offences under Section 341, 323, 354, 506 and 504 of the Indian Penal Code. The Ld. Court on finding sufficient material available on record & a prima facie case being made out took cognizance under Section 341, 323, 354, 506 and 504 of the Indian Penal Code as per the provision of Section 190(1)(b) of Cr.P.C vide order dated 20.06.2012.
4. The necessary copies u/s 207 of Cr.P.C. were supplied to the accused person. Further on 04.01.2014 the learned court, having heard both sides and on perusal of materials on record, found ground for presuming that the accused has committed offence under Section 341, 323, 354, 506 and 504 of the Indian Penal Code and hence substance under Section 341, 323, 354, 506 and 504 of the Indian Penal Code were read over and explained to the accused in Hindi to which he pleaded not guilty and claimed to be tried.

5. To substantiate its case, the prosecution examined altogether four witnesses, including the informant and the eye-witnesses, and also exhibited certain documentary evidences which have been annexed as an appendix for convenience. The evidence of the prosecution was closed vide order dated 04.11.2025, and thereafter the incriminating circumstances and evidences appearing against the accused were put to him as required under Section 313(1)(b) of the Cr.P.C. on 11.11.2025, wherein the accused denied each and every such circumstance and evidence and pleaded innocence, further claiming false implication. After compliance with the mandate of Section 313 Cr.P.C., the defence was afforded an opportunity to adduce evidence in support of its case and, in that process, examined three witnesses. Subsequently, after transfer of the record from various courts, the case record was received by this Court for further trial and disposal; accordingly, evidences were recorded, the circumstances against the accused were explained to him under Section 313 Cr.P.C., and after hearing the arguments advanced by both sides at length, the case was fixed for judgment.

ARGUMENTS

6. Perused the submissions advanced on behalf of both the rival parties and heard the arguments at length. The learned Assistant Public Prosecutor has submitted that the testimonies of the prosecution witnesses fully corroborate the prosecution case and that the prosecution has

succeeded in establishing the charges against the accused beyond reasonable doubt. It has further been contended that the evidence brought on record forms a consistent and cogent chain of incriminating circumstances, which unerringly points towards the guilt of the accused and excludes any hypothesis inconsistent with such guilt. Accordingly, it has been urged that the present case is a fit one for recording conviction against the accused.

However, the learned defence counsel has submitted that no independent witness has been examined by the prosecution in support of its case. It has further been contended that the present case is the outcome of a long-standing strained relationship between the parties and has arisen due to work-place rivalry and previous enmity. It is also submitted that the essential ingredients of the alleged offences are not satisfied from the evidence brought on record. It has further been argued that a counter-case has been instituted by the accused side in respect of the same occurrence, and that, in fact, the incident had taken place with the accused and not in the manner alleged by the prosecution. The learned defence counsel has also emphasized that the Investigating Officer, being a material witness, has not been examined, thereby causing serious prejudice to the defence. On the strength of these submissions, it has been contended that the prosecution case is shrouded with doubts and is not supported by consistent, credible, and cogent evidence. Therefore, applying the

settled principles of criminal jurisprudence and the doctrine of benefit of doubt, the accused is entitled to acquittal.

POINT OF DETERMINATIONS

7. *In the present case, the court has to determine as to whether prosecution has been able to prove the charges leveled against the accused person beyond shadow of reasonable doubts or not?*

EVIDENCE ON RECORD: A GIST

8. **P.W.1- Mrityunjay Kumar-** The instant witness has supported the prosecution case with regard to the date, time and place of occurrence. He has further narrated the occurrence in consonance with the contents of the FIR. He has specifically affirmed that the accused placed his hands upon the shoulder of the informant and caught her hair. The witness has also deposed that a scuffle took place between the parties, during the course of which the informant fell on the ground and the accused assaulted her by kicking. He further stated that the informant was crying after the incident. The identity of the accused has not been disputed.

During his cross examination the witness has stated that at the time of the occurrence he was working as a *Munshi* and that his statement had been recorded by the police during investigation. He further

deposed that he had earlier worked as a *Munshi* for the informant and remained consistent with his examination-in-chief by affirming that he had made the same statement before the police. During his cross-examination, the witness stated that he could not specify the purpose for which the informant had gone to Court No. 5, nor could he state his own specific work there at the relevant time. However, he categorically affirmed that a quarrel took place between the parties at the time of occurrence, which he had personally witnessed. He further stated that many advocates and *Munshis* had gathered at the spot, though he was unable to name any of them. The witness further deposed that the accused had kicked the informant on her leg, back, and thighs. He, however, expressed his inability to state which hand of the accused was placed on the shoulder of the informant. He also clarified that at present he was not working with the informant. He described the relative positions of the parties at the time of occurrence and stated that the accused was the President of the High Court Bar Association. Finally, he denied the suggestions put to him by the defence.

9. **P.W.2 Samavesh Bhanjdeo-** The instant witness has supported the prosecution case with regard to the date, time and place of occurrence. He has further stated that he was present at the place of occurrence and has narrated the incident in consonance with the contents of the FIR. He has specifically affirmed that the accused placed his hands

over the shoulder of the informant, hurled abuses at her, assaulted her and caused her to fall on the ground. The identity of the accused is not in dispute.

During his cross examination the instant witness has stated that he was a junior of the informant and that the informant's case was listed in Court No. 5 of the Hon'ble High Court, though he could not disclose the details of the said case. He admitted that a disciplinary proceeding had been conducted against the informant by the Jharkhand State Bar Council, in which the accused was a member of the disciplinary committee and the informant was held guilty. He further stated that both the parties had contested the State Bar Council election in the year 2012, in which the accused was declared elected. He expressed lack of knowledge regarding the alleged sting operation and also showed want of knowledge with respect to several questions put to him during cross-examination. However, the witness supported the prosecution version with regard to the occurrence and affirmed that the accused had placed his hand over the left shoulder of the informant, slapped her on the cheeks, causing her to fall on the ground, and thereafter kicked her. He further stated that several advocates were present at the place of occurrence and named some of them. He also affirmed that the statement given by him before the police was in consonance with his deposition in Court. The identity of

the accused is not in dispute. He denied the suggestions put to him by the defence.

10. P.W.3 Ritu Kumar (Informant)- The informant, examined as a prosecution witness, has supported the prosecution case with regard to the date, time and place of occurrence. She has narrated the incident in material particulars in consonance with the contents of the written application. She deposed that upon seeing her informant of court no. 5, the accused came from behind and placed his hand slightly below her shoulder and pressed it hard in a manner proximate to her private part, stating that he had won the State Bar Council election and uttered the words "अब राली तुम्हारा क्या होगा". She further stated that due to such act she not only suffered bodily pain but also felt humiliated. She further deposed that upon turning back she questioned the accused regarding his conduct, whereupon he started hurling abuses at her which she could not repeat before the Court. She further stated that the accused attempted to hug her, which she resisted, whereafter the accused became agitated, slapped her and pushed her, as a result of which she fell on the ground. In the meantime, some advocates present there intervened and rescued her. She further stated that she thereafter went to Doranda Police Station where the contents of the written application were dictated by her and reduced into writing by another person, which she read and thereafter put her signature

thereon. The said written application has been marked as Exhibit-1.

The identity of the accused is not in dispute.

During her cross examination the informant deposed that she had submitted a written information to the President of the Jharkhand High Court Advocates' Association, a xerox copy whereof was marked as Exhibit D-C/P.W.3 on admission. She further stated that she had submitted a written application dated 03.05.2012 before the State Women Commission, the certified copy of which was marked as Exhibit-A, and the reply dated 18.06.2015 was marked as Exhibit-B, with paragraph-11 thereof marked as Exhibit-B/1. She admitted that it was her licence, which had been cancelled by the Disciplinary Committee, and thereafter described the disciplinary proceedings initiated against her. She further stated that a complaint filed against her by one Shobik had been dismissed by the Jharkhand High Court. She also referred to the proceedings in W.P. (PIL) No. 4700 of 2008 and identified the order-sheet thereof, which was marked as Exhibit-C. During cross-examination, questions were put to her regarding the said PIL proceedings and the orders passed therein; however, she denied that the Hon'ble Court had directed any CBI inquiry with regard to her transactions and further denied having any knowledge of submission of any final report by the CBI before the Hon'ble Court in that matter. She admitted that on 07.01.2011 she, along with another advocate, had been punished by the Disciplinary Committee of the

State Bar Council. She further stated that after the occurrence dated 01.05.2012 she was first rescued away by some advocates and thereafter was given water, and although she remained in her chamber in a distressed condition and was crying, she could not recollect how many advocates were present there, nor could she state whether the accused had also come to her chamber. She admitted that on the date of occurrence the accused had won the election, whereas she herself had not been declared defeated as the counting process was still continuing and she had not been eliminated on that day. She further stated that the occurrence had taken place near the gate of Court No. 5 and extended up to the corridor. She reiterated that she had submitted complaints before the Advocates' Association as well as the Women Commission, though she could not recall the case number of the proceeding before the Women Commission. She denied the suggestion that she had given four different versions of the same occurrence before different forums and also denied the allegation of having accepted any bribe in the Durga Oraon case. She further stated that in W.P. (PIL) No. 4700 of 2008 she had appeared as an advocate for Durga Oraon, and clarified that while no sting operation had taken place in the Hon'ble Court, such an operation had allegedly taken place in the office of one Shri Krishna Ji; she further stated that the CBI had called her for investigation in connection with the said matter and had submitted a report indicating that the sting operation had been

conducted only with a view to falsely implicate her. She admitted that certain complaints of misconduct had also been made against her, though she asserted that the same were not relevant for the present case, and she further admitted that the accused had instituted a counter-case after institution of the present case by her. The certified copy of the FIR in Doranda P.S. Case No. 192 of 2012 was marked as **Exhibit-D-A/P.W.3** and the charge-sheet thereof was marked as **Exhibit-D-B/P.W.3**; however, she denied the contents thereof and further denied the suggestion that she had instituted a false case, asserting instead that she had instituted the present case prior in time. She admitted that she had given a re-statement before the police and affirmed the contents of her examination-in-chief as well as the FIR, though she stated that at the time of lodging the FIR she might not have narrated the occurrence in full detail. She further stated that while she had mentioned both assault and misbehaviour in the complaint submitted before the Advocates' Association, she had elaborated the facts more fully in the criminal case as the same were relevant therein, and clarified that in earlier complaints she had initially mentioned the occurrence in a less detailed manner. She denied all contrary suggestions put to her by the defence.

11. P.W.4 Ravi Kumar Singh- The instant witness has supported the prosecution case with regard to the date, time, and place of occurrence. He stated that upon reaching the place of occurrence he

found the informant lying on the ground and the accused kicking her. He further deposed that the advocates present there intervened, rescued the informant, and pacified the situation. Upon being asked about the incident, the informant disclosed to him that the accused had misbehaved with her by touching her body and, upon her protest, had hurled abuses and assaulted her. He further stated that he accompanied the informant to the police station thereafter. He has thus supported the prosecution version regarding the occurrence.

During his cross examination the witness stated that he had made before the Court the same statement as he had earlier given to the police. He further deposed that he had worked with the informant in the capacity of an advocate and had also been her junior. He admitted that he had jointly filed P.I.L. No. 4700 of 2008 along with the informant and one Rajiv Kumar. He also referred to the disciplinary proceeding conducted by the Disciplinary Committee, wherein the accused had acted as its Chairman, and stated that the licence of the informant had been cancelled therein but was subsequently reinstated in appeal. Upon being questioned as to whether he was a witness in the C.B.I. inquiry, he refrained from giving any answer. He affirmed the place of occurrence and denied the suggestion that he had not gone there. He further stated that he had gone to the police station after the incident and affirmed that the informant had signed the F.I.R. He expressed his lack of knowledge regarding the contents of the

complaint submitted before the State Women Commission and was unable to name the advocates who were present at the time when the matter was being pacified. He thereafter denied the suggestions put to him by the defence.

12. D.W.1 Mahesh Tiwari (Accused)- The witness has stated that on 01.05.2012 at about the time he was proceeding to Court No. 5 of the Jharkhand High Court to attend his case, the informant Ritu Kumar, upon seeing him, alleged that he had won the Bar Council election by cheating and slapped him twice causing his spectacles to fall, and when she bent to pick them up and throw them away she herself fell down; thereafter he attended his case in Court No. 5 and proceeded to Court No. 1 and was later taken by advocates to the chamber of Ritu Kumar where 40-50 advocates were present and she was crying but did not respond when questioned regarding the assault, and he subsequently came to know that she had lodged Doranda P.S. Case No. 191/2012 corresponding to G.R. No. 2297/2012 against him, while he himself lodged Doranda P.S. Case No. 192/2012 regarding the same occurrence which, after investigation, resulted in submission of charge-sheet and cognizance against her under Sections 341/323/504/506 IPC and the FIR and charge-sheet thereof were marked **Mark-X** and **Mark-X/1**, and he further stated that the background of the dispute relates to W.P. (PIL) No. 4700/2008 filed by Durga Oraon against the State of Jharkhand and 27 others which

had been filed and argued by Ritu Kumar and during its pendency a sting operation allegedly conducted by Saubhik Chattopadhyay regarding blackmail surfaced and was shown before about 400 advocates in Court No. 1 pursuant to directions of the Hon'ble Chief Justice leading to investigation by the Central Bureau of Investigation and the pen drive containing the downloaded video along with certificate was marked **Exhibit D-1/DW-1 (with objection)** and the CBI report consisting of 117 pages supplied to her counsel Madhusudan Mittal was marked **Mark-X/2**, and he further stated that disciplinary proceeding being Disciplinary Inquiry No. 3/2010 was initiated by the Jharkhand State Bar Council in which he acted as Chairman and by judgment dated **07.01.2011** she was found guilty under Section 35 of the Advocates Act and debarred from practice in Jharkhand and the copy of the judgment was marked **Mark-X/3**, though the said order was later set aside in appeal by the Bar Council of India while administrative proceedings arising out of W.P. (PIL) No. 4700/2008 remain pending before the Hon'ble Chief Justice, and he further stated that the statement of P.W.-1 Mrityunjay Kumar claiming to be her Munshi is incorrect as per the clerks' association list marked **Mark-X/4**, and he further stated that on **01.05.2012** the result of the Second Jharkhand State Bar Council election had been declared in which he was elected and she was eliminated and advocates were felicitating him with garlands in the High Court

premises and due to earlier disciplinary proceedings in which her license had been cancelled under Section 35 of the Advocates Act she assaulted him and lodged a false case, and he further stated that during pendency of the disciplinary proceeding she used to visit his chamber 3-4 times weekly requesting leniency, and he further stated that the falsity of her case is evident from the fact that she made five different versions of the occurrence including a written complaint to the President of the Advocate Association immediately after the occurrence at about 02:30 PM on 01.05.2012, a different statement before Doranda Police Station allegedly not written by her in normal state of mind, another statement before the Investigating Officer, another complaint dated 03.05.2012 before the State Women Commission, and a different statement before the Court as P.W.-3, and he further stated that no case of Ritu Kumar was listed in Court No. 5 on the date of occurrence and she had no reason to be present there and due to his election victory and earlier disciplinary action taken by the committee headed by him she falsely implicated him and the administrative proceedings relating to the sting operation matter are still pending before the Hon'ble Chief Justice.

During his cross examination the witness has stated that the disciplinary action order passed by him on 07.01.2011 was subsequently set aside in appeal by the Bar Council of India, and further stated that after the incident of the year 2010 and prior to the

occurrence dated 01.05.2012, the informant had not committed any act of misbehavior or intimidation against him; he has further stated that in the counter-case instituted by him against the informant there is no allegation that the informant had slapped him on the cheek, and he has acknowledged that a video downloaded from YouTube by him and copied into a pen drive was produced before the Court and marked as **Exhibit D-1/DW-1** in paragraph 4 in compliance with Section 65-B; he has further stated that in the present case there is no mention of the place of occurrence, and has also stated that according to the version given in his counter-case, during the alleged act of slapping his spectacles had fallen on the ground and when the informant bent down to pick them up she herself fell down and threw the spectacles away causing damage to them and that he had gone to the police station wearing the same damaged spectacles, though he has admitted that in the written application filed in the counter-case there is no mention regarding the breaking of the spectacles; he has further stated that he was suffering from defective near vision at the time of occurrence as well as at present though he can see and write without spectacles but faces difficulty in reading, and has also stated that two contempt cases are pending against him; he has further stated that as mentioned in paragraph 11 he has produced before the Court copies of five different written and oral applications submitted by the informant at different places relating to the said occurrence which have been

exhibited in the case; he has denied the suggestion that he was present at the place of occurrence at the relevant time of the alleged incident, and has further denied that he committed the alleged occurrence due to being hurt by the informant's remark regarding his winning the **Jharkhand State Bar Council election**, and has lastly denied the suggestion that the counter-case filed by him against the informant was merely a defensive and false case instituted in connection with the present occurrence.

13. D.W.2 Sanjeev Thakur- The instant witness has stated that he knows both the parties to the present case and that on the alleged date of occurrence i.e. **01.05.2012**, he was posted as the Vice-President of the Jharkhand Advocate Association at Jharkhand High Court; he further stated that on the said date at about **2:30 p.m.**, near **Court No. 5 of the old court building**, he came to know that some dispute had taken place between the accused Mahesh Bhaiya and the informant Rita Di; he stated that upon receiving such information while he was present in another court, he rushed to the place and came to learn that after the occurrence the accused had already been taken by other advocates to the chamber of the informant; he further stated that he along with his colleagues reached the chamber of the informant where a crowd had already assembled and the accused was surrounded by advocates; he stated that after entering the chamber, the persons present there attempted to ascertain the facts of the occurrence from both sides and

during such interaction the accused stated to the informant that both of them have one son each and asked her to truthfully disclose as to who initiated the occurrence, upon which the informant started crying and the advocates present there attempted to pacify her and separated both the parties and thereafter the accused was taken out of the chamber of the informant; he further stated that with regard to the said occurrence, on the very same day the informant submitted a written application before the then President Shri Lalji Prasad, and except for the aforesaid facts he has no further knowledge regarding the incident.

During his cross examination the instant witness has stated that he was not present at the place of occurrence and, therefore, has no personal knowledge regarding the incident. He has further stated that he does not know as to what the dispute between the parties was about and that, according to him, the occurrence appeared to have taken place suddenly from both sides. He has categorically stated that he is deposing before the Court for the first time on the date of his testimony and that his statement was never recorded by the police during the course of investigation. He has further stated that he has appeared before the Court to give evidence at the instance of Shri Mahesh Tiwari. The witness has also specifically denied the suggestion that he is deposing falsely after coming under the influence of the accused.

14. D.W.3 Sanjay Kr. Pandey- The instant witness has referred to the date of occurrence and has stated that the case instituted by the informant against the accused is false. He has deposed that the present case arose in the background of PIL No. 4700 of 2008, in which the informant was appearing as an advocate on behalf of Durga Oraon. He has further referred to a sting operation allegedly involving the informant and the accusation of acceptance of illegal gratification against her. The witness has also stated about Disciplinary Committee Case No. 03 of 2010, wherein the accused was functioning as Chairman of the Committee. According to him, the informant used to visit the chamber of the accused in connection with seeking leniency in the disciplinary proceeding, and he had seen the informant talking to the accused in his chamber. He further stated that the informant had allegedly warned the accused that in case he did not help her, he would have to face consequences. He has further deposed that on the date of occurrence he came to know that the informant had assaulted the accused. He has also stated that the First Information Report does not bear the signature of the informant and, on that basis, asserted that the FIR is false. He further stated that the informant does not sign in Hindi. The witness has also stated that the Disciplinary Committee had debarred the informant from practice for life by an order passed in the year 2011.

During his cross examination the instant witness has stated that on the date of occurrence there was only an altercation between the parties and no physical assault took place. He further stated that he was aware of the case and the counter-case between the parties. He thereafter asserted that it was the informant who had assaulted the accused. However, he ultimately denied the suggestions put by the prosecution during cross-examination.

FINDINGS

15. All these aspects have been taken into consideration for the sake of brevity and convenience. It is a cardinal principle of criminal jurisprudence that an accused is presumed to be innocent unless proven guilty, and the burden lies upon the prosecution to establish the guilt of the accused beyond reasonable doubt. The prosecution is, therefore, under a legal obligation to prove each and every ingredient of the alleged offence beyond reasonable doubt. This general burden never shifts and always rests upon the prosecution. At the conclusion of the trial, the prosecution can succeed only if it discharges its burden of proving the case against the accused beyond reasonable doubt. Keeping in view the principles of law laid down in a catena of judgments by the superior courts, this Court now proceeds to examine the evidence available on record. The entire record has been carefully

and thoroughly perused. The submissions advanced by the learned APP and the learned counsel for the accused have been duly considered. This Court has also carefully examined the documentary evidence, oral testimony, and the entire material brought on record during the course of trial.

16. The entire prosecution case rests on the testimony of four witnesses including the informant. **P.W.-1 Mrityunjay Kumar**, who is an eye-witness to the occurrence, has fully supported the prosecution case with regard to the date, time and place of occurrence. He has clearly stated that the accused placed his hand upon the shoulder of the informant, caught her hair and during the course of scuffle assaulted her by slap, as a result of which she fell on the ground and started crying and was then kicked. He has further affirmed that several advocates and Munshis had gathered at the place of occurrence. The identity of the accused has not been disputed. During his cross-examination, though it has come that he had earlier worked as a Munshi for the informant and could not specify certain peripheral details such as the specific work of the informant in Court No. 5 at that time, he remained consistent on the material particulars of the occurrence and reaffirmed that he had personally witnessed the quarrel and assault. Nothing substantial has been elicited in his cross-examination to discredit his testimony with regard to the occurrence.
- P.W.-2 Samavesh Bhanjdeo**, who is also an eye-witness to the

occurrence, has supported the prosecution case with regard to the date, time and place of occurrence and has narrated the incident in consonance with the contents of the FIR. He has specifically affirmed that the accused placed his hand over the shoulder of the informant, hurled abuses at her, slapped her causing her to fall on the ground and thereafter kicked her. He has also stated that several advocates were present at the place of occurrence. During cross-examination, though he admitted that he was a junior of the informant and referred to the background circumstances relating to disciplinary proceedings and Bar Council election, his evidence with regard to the actual occurrence remained consistent and unshaken. The identity of the accused has not been disputed and nothing material has been brought on record to discredit his testimony. **P.W.-3 Ritu Kumar, the informant** and victim of the occurrence, being the star witness of the case, has fully supported the prosecution version in material particulars. She has clearly stated that upon seeing her in front of Court No. 5, the accused came from behind and placed his hand slightly below her shoulder in a manner proximate to her private part and uttered the words "अब साली तुम्हारा क्या होगा" referring to his victory in the State Bar Council election. She has further deposed that upon her protest the accused started hurling abuses at her which she could not repeat before the Court, and thereafter attempted to hug her; when she resisted, the accused became agitated and slapped and

pushed her as a result of which she fell on the ground. She has also stated that prior to the assault the accused had further threatened her by stating "अब तुम्हें मजा चखाऊंगा" and thereafter remarked "साली रोती है, मैं अब तुम्हें ठीक से रुलाता हूँ". She has proved the written application which has been marked as Exhibit-1 and has consistently supported the prosecution version with regard to the occurrence. During her cross-examination, various suggestions were put to her with regard to earlier disciplinary proceedings, Bar Council election, alleged sting operation and pendency of different proceedings; however, nothing material has been elicited to discredit her testimony regarding the occurrence in question. Her presence at the place of occurrence is natural and fully established, and her testimony stands duly corroborated by other prosecution witnesses on material particulars and inspires confidence. Lastly, P.W.-4 Ravi Kumar Singh has also supported the prosecution case with regard to the date, time and place of occurrence. He has stated that upon reaching the place of occurrence he found the informant lying on the ground and the accused kicking her and that thereafter the advocates present there intervened and rescued the informant. He has further stated that upon being asked, the informant disclosed to him that the accused had misbehaved with her by touching her body and thereafter assaulted her. He has also accompanied the informant to the police station. During cross-examination, though it has come that he had earlier

worked with the informant as her junior and had knowledge about disciplinary proceedings between the parties, his testimony regarding the occurrence has remained consistent and nothing material has been brought on record to discredit his evidence. It is pertinent to note that although P.W.4 is not an eyewitness to the entire occurrence and has partly deposed on the basis of what the informant disclosed to him immediately after the incident, such portion of his testimony does not become inadmissible merely on that ground. The statement made by the informant to P.W.-4 at the place of occurrence, immediately after the incident and in close proximity of time and circumstances to the transaction in question, forms part of the same transaction and is therefore relevant under the doctrine of *res gestae* embodied in Section 6 of the Indian Evidence Act, 1872. The spontaneity and contemporaneity of the disclosure lend assurance to its truthfulness, as it was made before there was any opportunity for deliberation or fabrication. Accordingly, the evidence of P.W.-4, though partly based on such immediate disclosure by the informant, is legally relevant and lends corroborative support to the prosecution version regarding the manner in which the occurrence had taken place.

On the other hand, the defence has examined three witnesses including the accused himself. D.W.-1 Mahesh Tiwari, the accused, has taken the plea that it was the informant who assaulted him and that she herself fell down while attempting to throw his spectacles.

However, such version of the accused is not supported by any independent eye-witness. Moreover, in his cross-examination he has admitted that in the counter-case instituted by him there is no allegation that the informant had slapped him on the cheek, which creates material inconsistency in his defence version. The defence version thus does not inspire confidence. **D.W.-2 Sanjeev Thakur** has categorically admitted in his cross-examination that he was not present at the place of occurrence and has no personal knowledge regarding the incident. His evidence is therefore hearsay in nature and does not advance the defence case. Lastly, **D.W.-3 Sanjay Kr. Pandey** has not claimed to be an eye-witness to the occurrence and has mainly referred to background circumstances relating to earlier disciplinary proceedings and alleged disputes between the parties. During cross-examination he has himself stated that there was only an altercation between the parties and no physical assault took place and thereafter asserted that the informant had assaulted the accused. His testimony is inconsistent and not based on direct knowledge of the occurrence and therefore does not inspire confidence.

Hence, excluding some minor inconsistencies and contradictions which are natural and not material in nature, the evidence of the prosecution witnesses appears reliable and trustworthy. Once the genesis of the occurrence stands established through consistent ocular testimony of the informant and supporting eye-witnesses, minor

discrepancies do not affect the core of the prosecution case. It is well settled that the doctrine of *falsus in uno, falsus in omnibus* is not applicable in the Indian criminal jurisprudence and minor exaggerations or omissions do not render the entire prosecution case unreliable. The testimonies of the prosecution witnesses, particularly that of the informant duly corroborated by eye-witnesses, inspire confidence and are sufficient to establish the occurrence as alleged.

It is further evident from the record that there exists a case and counter-case between the parties arising out of the same occurrence and relating to the same date, time and place. The institution of the counter-case by the accused himself substantially fortifies the fact that both the parties were present at the place of occurrence at the relevant time. The defence has also not been able to probabalise any plea of absence of the accused from the place of occurrence. Rather, the very version set up by the accused in his defence proceeds on the footing that an altercation took place between the parties at the relevant place and time. Thus, the presence of both the informant and the accused at the place of occurrence stands firmly established beyond doubt and constitutes a significant circumstance lending assurance to the prosecution case regarding the genesis of the occurrence.

17. It is to be seen that the accused person have been charged with for the offenses u/Section 341, 323, 354, 504 and 506 of the Indian Penal Code.

18. Before advertng to the appreciation of evidence on record in the light of the charged offences, it is apposite to refer to the statutory ingredients thereof. Section 323 IPC provides punishment for voluntarily causing hurt. The expression "hurt" has been defined under Section 319 IPC to mean causing bodily pain, disease or infirmity to any person. Thus, even causing bodily pain simpliciter is sufficient to constitute "hurt" within the meaning of law. Likewise, Section 341 IPC prescribes punishment for wrongful restraint. Wrongful restraint, as defined under Section 339 IPC, consists in voluntarily obstructing any person so as to prevent that person from proceeding in any direction in which he or she has a right to proceed. Therefore, the essential ingredients of the offence under Section 341 IPC are (i) voluntary obstruction, and (ii) prevention from proceeding in a direction in which the person had a lawful right to proceed.

In the present case, the consistent testimony of P.W.-1, P.W.-2, P.W.-3 and P.W.-4 clearly establishes that the accused intercepted the informant near Court No. 5 of the Hon'ble High Court premises, placed his hand upon her shoulder, abused her and thereafter slapped and pushed her, as a result of which she fell on the ground. The act of intercepting the informant in the corridor area and obstructing her

movement, followed by pushing her to the ground, clearly constitutes voluntary obstruction preventing her from proceeding further in the normal course. The fact that the informant fell on the ground during the occurrence lends further assurance to the prosecution case regarding the element of restraint and obstruction. *Thus, the essential ingredients of wrongful restraint punishable under Section 341 IPC stand duly established beyond reasonable doubt.* So far as the offence under Section 323 IPC is concerned, the evidence of the informant (P.W.-3), duly corroborated by P.W.-1, P.W.-2 and P.W.-4, clearly proves that the accused slapped the informant and kicked her after she fell on the ground. Such acts necessarily caused bodily pain to the informant and therefore squarely fall within the definition of "hurt" under Section 319 IPC. It is well settled that production of an injury report is not a sine qua non for establishing the offence under Section 323 IPC. In this regard, reliance may be placed upon the judgment of the Hon'ble Supreme Court in *Lakshman Singh Vs. State of Bihar*, wherein it has been held, "It may be that there might not be any serious injuries and/or visible injuries, the hospital might not have issued the injury report. However, production of an injury report for the offence under Section 323 IPC is not a sine qua non for establishing the case for the offence under Section 323 IPC. Section 323 IPC is a punishable section for voluntarily causing hurt. 'Hurt' is defined under Section 319 IPC. As per Section 319 IPC, whoever

causes bodily pain, disease or infirmity to any person is said to cause 'hurt'. Therefore, even causing bodily pain can be said to be causing 'hurt'." In view of the aforesaid settled legal position and the consistent ocular evidence on record establishing assault by slapping and kicking, it stands proved that the accused voluntarily caused hurt to the informant. Accordingly, the ingredients of the offence punishable under Section 323 IPC are also fully satisfied.

19. So far as the offence punishable under Section 354 IPC is concerned, it is necessary to examine whether the essential ingredients of the said provision stand established from the evidence on record. For attracting Section 354 IPC, three essential ingredients are required to be satisfied, namely: (i) the offence must be committed against a woman; (ii) criminal force must be used against her; and (iii) such criminal force must have been used with the intention to outrage her modesty. In the present case, it is not in dispute that the informant is a woman and that the accused applied criminal force upon her by placing his hand upon her shoulder in a manner proximate to her private part, attempting to hug her, and thereafter slapping and pushing her. Thus, the first two ingredients of the offence stand clearly established from the consistent testimony of P.W.-3 duly corroborated by P.W.-1, P.W.-2 and P.W.-4.

The next and most crucial question which falls for consideration is whether such application of criminal force was with the intention to

outrage the modesty of the informant. The term "modesty" has not been defined in the Indian Penal Code. However, in **Rupan Deol Bajaj v. Kanwar Pal Singh Gill**, the Hon'ble Supreme Court observed that modesty in relation to a woman means "womanly propriety of behaviour; scrupulous chastity of thought, speech and conduct". It has further been held therein that the essence of a woman's modesty is her sex and from her very birth she possesses modesty as an attribute of her sex. The ultimate test for ascertaining whether the modesty of a woman has been outraged is whether the act of the offender is such as could be perceived as one capable of shocking the sense of decency of a woman. Similarly, in **Tarkeshwar Sahu v. State of Bihar (now Jharkhand)**, the Hon'ble Supreme Court reiterated that the culpable intention of the accused is the crux of the matter and that the ultimate test is whether the act complained of is capable of shocking the sense of decency of a woman.

In the present case, the evidence of P.W.-3 clearly establishes that the accused came from behind and placed his hand slightly below her shoulder in a manner proximate to her private part and pressed it hard, thereafter attempted to hug her and simultaneously uttered the words "अब साली तुम्हारा क्या होगा", followed by "अब तुम्हें मजा चखाऊंगा" and further "साली रोती है, मैं अब तुम्हें ठीक से रुलाता हूँ". Such utterances, coupled with the physical act of touching her body in a manner proximate to her private part and attempting to forcibly

embrace her, clearly indicate the intention of the accused to insult her dignity and outrage her modesty. The reaction of the informant, who immediately protested and started crying due to humiliation, further lends assurance to the inference regarding the intention of the accused.

It is also significant to note that the occurrence took place within the precincts of the Hon'ble High Court near Court No. 5 during daytime in the presence of several advocates and court staff. The act of the accused in publicly touching the body of the informant in a manner proximate to her private part, attempting to hug her and uttering humiliating and abusive expressions such as "अब साली तुम्हारा क्या होगा" and "अब तुम्हें मजा चखाऊंगा", in such surroundings, was clearly an act capable of shocking the sense of decency of a woman and amounts to an affront to her dignity and womanly propriety. The surrounding circumstances and the conduct of the accused unmistakably reflect the culpable intention required under Section 354 IPC. In view of the settled legal position that the essence of a woman's modesty is her sex and that the ultimate test is whether the act complained of is capable of shocking the sense of decency of a woman, this Court finds that the conduct of the accused in placing his hand upon the body of the informant in a manner proximate to her private part, attempting to hug her and simultaneously uttering humiliating expressions as stated above, clearly satisfies the ingredients of Section 354 IPC.

It is also relevant, while appreciating the intention behind the act complained of under Section 354 IPC, to take note of the well-recognised behavioural understanding that a woman, by reason of her lived experience and social conditioning, is ordinarily in a position to perceive the nature and implication of physical contact with greater sensitivity, particularly where such contact is unsolicited and accompanied by objectionable words or gestures. In the present case, the informant has specifically deposed that the accused placed his hand slightly below her shoulder in a manner proximate to her private part and simultaneously uttered expressions such as “अब साली तुम्हारा क्या होगा” and “अब तुम्हें मजा चखाऊंगा”, which she perceived as humiliating and offensive to her dignity. Such perception of the informant regarding the nature and intent of the touch, when considered along with the surrounding circumstances, the place of occurrence within the High Court premises, and the accompanying abusive utterances of the accused, assumes evidentiary significance in assessing whether the act was capable of shocking the sense of decency of a woman. The same further reinforces the conclusion that the conduct of the accused was not casual or accidental but was intended to outrage the modesty of the informant within the meaning of Section 354 IPC.

It has also come on record from the defence evidence itself that there existed prior strained relations between the parties arising out of

disciplinary proceedings before the State Bar Council as well as their contest as rival candidates in the State Bar Council election. Such admitted background of animosity assumes relevance while appreciating the intention of the accused behind the impugned conduct. In the presence of such prior hostility, the act of the accused in approaching the informant within the High Court premises, placing his hand upon her body in a manner proximate to her private part and uttering expressions such as “अब साली तुम्हारा क्या होगा” and “अब तुम्हें मजा चखाऊंगा” cannot be construed as casual, accidental or innocuous conduct. Rather, the same clearly reflects a deliberate act intended to humiliate and intimidate the informant and is of such nature as would be capable of shocking the sense of decency of a woman. The surrounding circumstances, including the prior enmity and electoral rivalry between the parties, therefore lend further assurance to the conclusion that the conduct of the accused squarely attracts the ingredients of Section 354 IPC.

Moreover, while appreciating the testimony of the prosecutrix in cases involving allegations affecting the modesty of a woman, the Court is required to keep in mind the settled principle that, in the social context and value system prevailing in the country, particularly in India, it would be highly improbable for a woman to falsely allege an incident of sexual misconduct or outrage of modesty so as to implicate an innocent person, as such allegations inevitably expose

her to embarrassment, social discomfort and scrutiny. The testimony of the prosecutrix, therefore, stands on a higher pedestal and, if found reliable and trustworthy, does not require insistence on rigid corroboration. In the present case, the version of the informant is consistent, natural and stands duly corroborated by other prosecution witnesses on material particulars. There is nothing on record to suggest any compelling reason for her to falsely implicate the accused by attributing to him conduct affecting her dignity as a woman. Accordingly, her testimony inspires confidence and is entitled to due weight while recording findings under Section 354 IPC.

It is further pertinent to note that the testimony of the informant (P.W.-3) with regard to the act of touching her body by the accused is not an isolated statement but stands duly corroborated by other prosecution witnesses. P.W.-1 has specifically deposed that the accused placed his hand upon the shoulder of the informant and caught her hair during the occurrence, while P.W.-2 has also clearly affirmed that the accused placed his hand over the shoulder of the informant prior to assaulting her. Further, P.W.-4 has stated that immediately after the occurrence the informant disclosed to him that the accused had misbehaved with her by touching her body and thereafter assaulted her. Such consistent ocular as well as immediate post-occurrence disclosure made by the informant to P.W.-4 lends further assurance to the prosecution version regarding the application

of criminal force upon her person in a manner affecting her modesty. Thus, the allegation relating to the act of touching is duly corroborated by independent prosecution witnesses and inspires confidence. *The prosecution has thus been able to establish beyond reasonable doubt that the accused used criminal force upon the informant with the intention to outrage her modesty.*

20. So far as the offence punishable under Section 504 IPC is concerned, the essential ingredients required to be established are that (i) the accused intentionally insulted the informant; (ii) such insult was of a nature as to give provocation to the informant; and (iii) the accused intended or knew it to be likely that such provocation would cause the informant to break the public peace or commit any other offence. In the present case, the consistent evidence of P.W.-3, duly corroborated by P.W.-1 and P.W.-2, clearly establishes that the accused, after approaching the informant within the High Court premises, uttered expressions such as “अब साली तुम्हारा क्या होगा”, “अब तुम्हें मजा चखाऊंगा” and “साली रोती है, मैं अब तुम्हें टीक से रूताता हूँ”, and also hurled further abuses which the informant stated she could not repeat before the Court. Such expressions, particularly when used against a woman advocate in a public place like the High Court corridor, are inherently insulting and provocative in nature. The language used by the accused clearly reflects an intention to humiliate and provoke the informant in a public setting and was likely to disturb public peace.

Accordingly, the ingredients of the offence punishable under Section 504 IPC stand established beyond reasonable doubt.

21. Lastly, So far as the offence punishable under Section 506 IPC is concerned, the essential ingredient is that the accused must have criminally intimidated the informant by threatening her with injury to her person, reputation or property, with the intention to cause alarm to her. In the present case, the utterances made by the accused, particularly "अब तुम्हें मजा चखाऊंगा" and "अब साली तुम्हारा क्या होगा", when considered in the backdrop of prior strained relations between the parties and the contemporaneous act of physical assault and misbehaviour, clearly assume the character of threats intended to intimidate and cause alarm to the informant. The evidence of P.W.-3 further shows that immediately after such utterances she started crying due to humiliation and distress, which indicates that the words used by the accused were not casual expressions but were intended to overawe and alarm her. The threatening expressions used by the accused in conjunction with the physical acts committed by him clearly satisfy the ingredients of criminal intimidation. *Accordingly, the prosecution has been able to establish the offence punishable under Section 506 IPC against the accused beyond reasonable doubt.*

22. Moving on to the arguments advanced on behalf of the defence, it is observed that though certain arguments were not specifically articulated at the stage of final arguments, the same had surfaced

during the course of trial through the line of cross-examination and the tenor of the defence case; hence, in the interest of completeness of adjudication, the same are being taken into consideration and are being dealt with herein.

23. While addressing the submissions advanced on behalf of the defence seeking to discredit the prosecution case, the defence has contended that the present case is false and has been instituted on account of prior strained relationship between the parties arising out of disciplinary proceedings and their rivalry in the State Bar Council election. However, such contention cannot be accepted in the facts and circumstances of the present case. *It is a settled principle of law that prior enmity between the parties is a double-edged weapon, which may provide a motive not only for false implication but equally for commission of the offence.* The Hon'ble Supreme Court reiterated that enmity by itself cannot be a ground to discard otherwise reliable prosecution evidence. In the present case, the existence of strained relations between the parties stands admitted from both sides and, rather than weakening the prosecution case, lends a plausible background for the occurrence alleged by the informant. More importantly, the testimony of the informant stands consistently corroborated by independent eye-witnesses P.W.-1, P.W.-2 and P.W.-4 on material particulars relating to the act of touching, assault and abusive utterances. No material contradiction has been elicited in their

cross-examination so as to render their evidence unreliable. Therefore, the plea of false implication on account of previous enmity does not create any reasonable doubt in the prosecution case and is accordingly rejected.

24. The defence has further contended that the prosecution witnesses are not independent witnesses inasmuch as they are juniors and a Munshi associated with the informant and, therefore, their testimony ought not to be relied upon. However, such submission is devoid of merit. It is a settled principle of criminal jurisprudence that there is a clear distinction between a "related/known" witness and an "interested" witness. A witness cannot be termed as an "interested" witness merely because he happens to be professionally associated with the informant. A witness can be said to be "interested" only when he or she derives some direct benefit from the outcome of the case or has a vested motive to falsely implicate the accused. Time and again it has been held that the evidence of witnesses cannot be discarded merely on the ground that they are related/known to the victim unless it is shown that they have a direct or indirect interest in securing conviction of the accused for some ulterior purpose. In the present case, the defence has not been able to demonstrate as to how P.W.-1, P.W.-2 or P.W.-4 had any personal stake in the outcome of the present proceeding so as to falsely implicate the accused. Their presence at the place of occurrence within the High Court premises is natural and

very headings, refer to allegations of misbehaviour and molestation by the accused, thereby clearly indicating that the gravamen of the accusation remained the same from the very inception. The variations pointed out by the defence relate only to elaboration of details at subsequent stages or the degree of narration depending upon the nature of the forum before which such information was furnished. Merely because all particulars were not stated with precision and detail in the initial complaint does not render the prosecution case unreliable, particularly when the substratum of the occurrence has remained intact and consistent throughout. Accordingly, the argument advanced by the defence on this ground is not sustainable.

26. The defence has further questioned the genuineness of the signature of the informant over the First Information Report, as suggested through the testimony of D.W.-3. However, such argument is devoid of merit. The informant (P.W.-3), during the course of her deposition, has categorically identified and admitted her signature upon the written application which forms the basis of the FIR. Once the executant herself admits her signature on the document, the execution thereof stands duly proved. In view of the provisions of Section 58 of the Indian Evidence Act, 1872, facts so admitted require no further proof, and therefore the genuineness of the signature cannot subsequently be permitted to be questioned in the absence of any specific and credible challenge regarding its voluntariness or authenticity. Moreover, the

probable, and their testimonies have remained consistent on material particulars. Merely because they were juniors or professionally associated with the informant does not render their evidence unreliable, particularly when no circumstance has been brought on record to indicate any motive on their part to falsely depose against the accused. Accordingly, the argument advanced by the defence on this score is not sustainable.

25. The defence has also argued that there are variations in the version of the informant as reflected in the written application, her examination-in-chief before the Court, and the complaints submitted before the President of the Advocates' Association and the State Women Commission. However, such contention does not merit acceptance. It is well settled that the First Information Report is not an encyclopaedia of the entire prosecution case and is not expected to contain a detailed chronicle of all minute facts and circumstances relating to the occurrence. The FIR is not a substantive piece of evidence and can be used only for the purpose of corroboration or contradiction of the maker thereof. In the present case, a careful perusal of the written application, the subsequent complaints and the deposition of the informant before the Court reveals that the core allegation has remained consistent throughout. It is also significant that the complaints submitted before the President of the Advocates' Association and the State Women Commission themselves, in their

bald assertion made by D.W.-3 that the informant does not sign in Hindi is not supported by any reliable material on record and cannot override the clear admission of the informant herself regarding her signature on the document. Accordingly, the contention raised by the defence with regard to the genuineness of the signature on the FIR is not sustainable and stands rejected.

27. The defence has further attempted to discredit the prosecution case by referring to the earlier disciplinary proceeding being Disciplinary Inquiry Case No. 03 of 2010 before the State Bar Council, the proceedings arising out of W.P. (PIL) No. 4700 of 2008 and the alleged sting operation said to have been conducted in connection therewith, and has contended that the present case has been instituted only as a retaliatory measure due to such background disputes and professional rivalry between the parties. However, such contention cannot be accepted. Merely because disciplinary proceedings had earlier been initiated against the informant, or that she was associated with the said PIL proceedings in the capacity of an advocate, or that allegations relating to a sting operation had surfaced in connection therewith, does not by itself render the present prosecution false or motivated. Acceptance of such an argument in isolation would amount to discarding otherwise reliable and consistent ocular evidence on record and would virtually amount to throwing settled principles of criminal jurisprudence into disarray. It is well settled that professional

disharmony, previous strained relations or pendency of collateral proceedings cannot be treated as conclusive grounds to presume falsity of a criminal prosecution, particularly when the occurrence in question stands supported by consistent testimony of the informant duly corroborated by independent prosecution witnesses on material particulars. In the present case, the defence has failed to demonstrate any cogent circumstance showing that the informant had falsely implicated the accused on account of the said earlier proceedings. Accordingly, the reliance placed by the defence upon the disciplinary committee case, the PIL proceedings and the alleged sting operation is insufficient to discredit the genuineness of the present prosecution case and the same stands rejected.

28. The defence has further contended that the Investigating Officer has not been examined in the present case and, therefore, the accused has been deprived of an opportunity to bring on record material contradictions in the statements of prosecution witnesses, thereby causing prejudice to the defence. However, such contention is not tenable in the facts of the present case. It is well settled that contradictions in the previous statements of witnesses recorded under Section 161 Cr.P.C. can be proved only in the manner prescribed under Section 145 of the Indian Evidence Act, 1872. For the purpose of proving a contradiction, it is mandatory that the attention of the witness must first be drawn during cross-examination to the specific

portion of the earlier statement alleged to be inconsistent with his deposition before the Court. Such portion must be clearly reflected in the deposition and marked for the purpose of contradiction. If the witness admits having made such statement, the contradiction stands proved; however, if the witness denies the same, then the said portion is required to be proved through the testimony of the Investigating Officer or the person who recorded the statement. In the absence of such confrontation at the stage of cross-examination, the alleged contradiction cannot be said to have been duly brought on record and the Court cannot suo motu rely upon statements made before the police for the purpose of discrediting the witness. In the present case, the defence has not demonstrated that the witnesses were confronted in accordance with the mandatory procedure contemplated under Section 145 of the Evidence Act with the specific portions of their previous statements intended to be used for contradiction. Therefore, merely because the Investigating Officer has not been examined would not, by itself, cause any prejudice to the accused, nor can it be a ground to discard otherwise reliable testimony of the prosecution witnesses. Accordingly, the said contention of the defence stands rejected.

29. The defence has lastly contended that the prosecution case is rendered doubtful on account of the fact that the restatement of the informant was not recorded by the Investigating Officer during the course of

investigation. However, such contention is devoid of merit. It is well settled that any lapse or omission on the part of the Investigating Officer in conducting the investigation cannot, by itself, be treated as a ground to discard an otherwise reliable prosecution case. In this regard, it has been clearly held by the Hon'ble Supreme Court in catena of judgements that flaws or defects in investigation do not automatically prove fatal to the prosecution case when there exists credible and reliable evidence on record. The Hon'ble Supreme Court has further observed that an accused cannot claim acquittal solely on the ground of faulty investigation and that Courts are required to assess the entire body of evidence independently of such lapses. In the present case, the occurrence as alleged by the informant stands duly supported by her consistent testimony and finds corroboration from other prosecution witnesses on material particulars. Therefore, the mere non-recording of the restatement of the informant by the Investigating Officer cannot be permitted to defeat the prosecution case, as doing so would amount to allowing the accused to take advantage of the lapses of the Investigating Officer and would unjustly result in prejudice to the victim despite the existence of otherwise trustworthy evidence on record. Accordingly, the said contention of the defence also stands rejected.

30. I have also considered the statement of the accused person u/s 313 (1) (b) of the Cr.p.c wherein the accused person was explained every

circumstance appearing in evidence against him. He denied every incriminating material and stated "NIRDOSH HAIN" and did adduce explanation in light of strained relationship and previous proceedings only.

31. In view of the foregoing discussions, appreciation of the oral and documentary evidence available on record, and the settled principles of criminal jurisprudence applicable to the facts of the present case, this Court is of the considered opinion that the *prosecution has successfully established, beyond all reasonable doubt*, that the accused, ranked as A-1, on the date, time and place of occurrence, voluntarily restrained the informant, assaulted her causing bodily pain, used criminal force against her with the intention of outraging her modesty, intentionally insulted her by using abusive and humiliating expressions with intent to provoke breach of peace, and further extended criminal intimidation, thereby committing offences punishable under Sections 341, 323, 354, 504 and 506 of the Indian Penal Code. The testimony of the informant stands reliable, cogent and duly corroborated on material particulars by other prosecution witnesses, and the defence has failed to create any reasonable doubt so as to discredit the prosecution version. *Accordingly, this Court holds the accused, ranked as A-1, guilty of the offences punishable under Sections 341, 323, 354, 504 and 506 IPC and hereby records his conviction for the said offences.* Before sentencing the accused person it is essential to hear the ac-

cused person on the point of sentence likely to be imposed. Therefore, I take a pause to hear the accused person on the point of sentence likely to be imposed.

This Judgment was delivered by me in open court in presence of the parties and their respective lawyers on 30.03.2026. The Judgment contains 53 pages and has my signature on each page.

(Typed and Corrected By Me)

sd/-

Sarthak Sharma
Judicial Magistrate, 1st Class
Ranchi
30/03/2026
J.O. Code : JH02002

ON POINT OF SENTENCE

It has been averred by the learned counsel for the convict that this is the first offence of the convict and it has further been assured that no such incident shall occur in future. It has also been submitted that the convict is a well-educated person and a practicing advocate by profession, and therefore a lenient view may be taken in the matter of sentence and benefit of the provisions of the Probation of Offenders Act, 1958 be extended to him by releasing him after due admonition. Learned APP, on the other hand, has opposed the prayer and submitted that the offences committed by the convict are serious in nature, particularly the offence

under Section 354 IPC, which directly affects the dignity and modesty of a woman, and therefore the convict does not deserve any leniency and is liable to be dealt with sternly so as to send an appropriate message to society.

Upon consideration of the rival submissions and the materials available on record, it is evident that the convict, being a practicing advocate and a legally trained person, was fully conscious of the legal consequences of his conduct. The occurrence took place within the precincts of a professional environment and in the presence of other persons, thereby aggravating the gravity of the misconduct. From a person belonging to the legal fraternity, a higher standard of restraint, responsibility and respect towards fellow professionals, particularly a woman advocate, is expected. Instead, the convict indulged in conduct which not only caused humiliation and mental distress to the informant but also undermined the dignity of the professional atmosphere. The place, time and manner of the occurrence, coupled with the status of the convict as a member of the Bar, are aggravating circumstances which cannot be ignored while determining the quantum of sentence.

It is also to be kept in mind that in the prevailing social conditions, particularly in our country, incidents affecting the modesty and dignity of women often remain unreported due to social hesitation and stigma. Any attempt to trivialize such conduct or to extend undue leniency in such matters would have the effect of emboldening persons inclined to commit

similar offences and would undermine public confidence in the administration of justice. The provisions of the Probation of Offenders Act, 1958 are intended to reform offenders who can reasonably be expected to abstain from criminal conduct in future; however, the benefit of the said Act depends upon the nature of the offence and the character of the offender. Considering the nature of the offences proved against the convict, particularly the offence under Section 354 IPC committed in a professional setting against a woman colleague, this Court does not find it a fit case to extend the benefit of probation. Accordingly, the prayer for grant of benefit under the Probation of Offenders Act, 1958 is rejected.

Considering the nature and gravity of the offences, the manner in which they were committed, the place of occurrence, the status of the convict as a practicing advocate expected to maintain higher professional conduct, and the necessity of ensuring deterrence in society, the convict is hereby sentenced as under:

S. No.	Rank of the Convict	Provision for the Offence	Punishment Awarded by the Court
1	A-1	Section 354 IPC	2 Years (S.I.) and Fine Rs. 10,000/-; in default, 2 Months (S.I.)
2	A-1	Section 323 IPC	6 Months (S.I.) and Fine Rs. 1,000/-; in default, 15 Days (S.I.)
3	A-1	Section 341 IPC	1 Month (S.I.) and Fine Rs. 500/-; in default, 3 Days (S.I.)
4	A-1	Section 504 IPC	6 Months (S.I.) and Fine Rs. 3,000/-; in default, 15 Days (S.I.)
5	A-1	Section 506 IPC	1 Year (S.I.) and Fine Rs. 5,000/-; in default, 1 Month (S.I.)

All the sentences awarded to the convict shall run concurrently. The period of detention, if any, already undergone by the convict during investigation and trial shall be set off against the sentence of imprisonment in terms of Section 428 Cr.P.C. The convict is entitled to receive a copy of the judgment free of cost in terms of Section 363(1) Cr.P.C.

(Typed and Corrected By Me)

sd/-

Sarthak Sharma
Judicial Magistrate, 1st Class
Ranchi
30/03/2026
J.O. Code : JH02002

sd/-

Sarthak Sharma
Judicial Magistrate, 1st Class
Ranchi
30/03/2026
J.O. Code : JH02002

APPENDIX

LIST OF PROSECUTION / DEFENSE / COURT WITNESSES

A. PROSECUTION WITNESSES, IF ANY

Sl. No.	Name	Status	Remarks
1	Mrityunjay Kumar	Eye Witness	Supported the case of the prosecution
2	Samavesh Bhanjdeo	Eye Witness	Supported the case of the prosecution
3	Ritu Kumar (Informant)	Victim	Supported the case of the prosecution
4	Ravi Kumar Singh	Eye Witness	Supported the case of the prosecution

B. DEFENSE WITNESSES, IF ANY

Sl. No.	Name	Status	Remarks
1	Mahesh Tiwari (Accused)	Accused	Failed to discredit the prosecution case.
2	Sanjeev Thakur	Hearsay	Failed to discredit the prosecution case.
3	Sanjay Kr. Pandey	Hearsay	Failed to discredit the prosecution case.

C. COURT WITNESSES, IF ANY- NIL

LIST OF PROSECUTION / DEFENSE / COURT EXHIBITS

A. PROSECUTION EXHIBITS, IF ANY

Exhibit No.	Description	Proved By
Exhibit-1	Signature & Written application/FIR	P.W.3 (Informant)

B. DEFENSE EXHIBITS, IF ANY-

Exhibit/Mark	Description	Proved By
Exhibit D-1/ DW-1	Pen drive containing alleged sting video (with 65-B certificate)	D.W.1
Mark-X	FIR of counter-case (Doranda P.S. Case No. 192/2012)	D.W.1
Mark-X/1	Charge-sheet of counter-case	D.W.1
Mark-X/2	CBI report (117 pages)	D.W.1
Mark-X/3	Disciplinary Committee judgment dated 07.01.2011	D.W.1
Mark-X/4	Clerks' association list	D.W.1
Exhibit-D-C/ P.W.3	Complaint to Advocate Association	P.W.3
Exhibit-A	Certified copy of complaint to State Women Commission	P.W.3
Exhibit-B	Reply dated 18.06.2015	P.W.3
Exhibit-B/1	Paragraph 11 of reply	P.W.3
Exhibit-C	Order-sheet in W.P. (PIL) No. 4700/2008	P.W.3
Exhibit-D-A/ P.W.3	Certified copy of FIR in counter-case (Doranda P.S. Case No. 192/2012)	P.W.3
Exhibit-D-B/ P.W.3	Charge-sheet of counter-case	P.W.3

C. COURTS EXHIBITS, IF ANY- NIL

D. MATERIAL EXHIBITS, IF ANY- NIL

sd/-

Sarthak Sharma
Judicial Magistrate, 1st Class
Ranchi
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