

# Bengal Form No. 5259

## Brief of a case.

[Regulation 444]

## Brief.

1. Name of police-station .....	Bhagalpur (Kotwali).
2. Number and date of first information report No. 3, dated 6th August, 1935.	
3. Name of accused persons sent up ...	(1) Bipta Goala, of Khanjcrpur (Bhagalpur town). (2) Somua Kahar, of Malchak (Bhagalpur town).
4. Previous convictions of each accused persons traced during investigation, if any.	No. 1-(a) 16 th Ocober, 1922, three months' rigorous imprisonment, section 379, Indian Penal Code, Monghyr. (b) 25th November 1923, six months' rigorous imprisonment, sections 379/75, Indian Penal Code, Bhagalpur. No. 2 -Nil.
5. Whether identified or not .	Both identified.
6. Names and addresses of absconders.....	Nil.
7. Date fixed for trial..	24th August, 1925.

## History of Case

On the night of 5th/6th April 1925, a package containing piece-goods worth Rs. 484 was stolen by some culprits unknown, who broke open the lock of a side-door (facing a blind lane) of complainant's godown at Shujaganj. The case was reported on the following morning and, during the investigation that immediately followed, it was learnt that the package had been taken delivery of by the complainant on the previous afternoon and was carted to the godown by Bipta Goala, one of the present accused. Bipta was questioned along with others, but denied all knowledge of the occurrence.

On the 8th June 1925, i.e. two days after the occurrence, Somua Kahar, who is a carter by profession and takes his cart for hire to the railway station good-shed, was arrested on suspicion while trying to sell three pairs of new dhotis at a very low price, by constable Palakdhari Singh, of Nathnagar police-station, Somua stated before the Sub-Inspector of Nathnagar that the dhotis were made over to him by Bipta's wife for sale. The Sub-Inspector of Nathnagar, who had already been notified of the theft arrested Somua under section 54, Criminal Procedure Code, on suspicion, and communicated the information at once to the investigation officer. The houses of Bipta and Somua were searched by me on the afternoon of 8th June 1925, and 25 pairs of dhotis and saris, 8 thans of long-cloth and the gunny cloth covering with which the package was wrapped and on which the complainant's name was written were recovered from an empty granary in the sleeping room of the former and 13 pairs of dhotis and two thans of markin from the cheek-room of the latter, concealed under heaps of fuel.

All the cloths recovered were identified and claimed by complainant as he recognized the handwriting of the Mangalram of Bara Bazar, Calcutta who noted their prices, when he made the purchase, on the cloths with a pencil. The manufacturer's number and description stamped on them also tallied with the entucs in the invoice received from the Calcutta firm.

Bipta confessed before the investigating officer that he and Somua had committed the theft and shared the property between them, but declined to confess before the Magistrate. Somua also declined to make a statement when produced before the Magistrate

The balance of the cloths alleged to be in the stolen package could not be traced.

Points to be proved.	Evidence to prove each point.
I. That a package was stolen from the complainant's godown	(1) Complainant. (2) Sagar Mal (complainant's gomasta) (3) Prasad Singh (complainant's peon) (exhibit First Information Report and broken padlock).
II. That the recovered cloths were in the stolen Sagar Mal(2)package.Complainant (1). (Exhibit invoice.)	(4) Constable Palakdhari Singh (5) Behari Sao.
III. That accused Soinua was arrested with Some of the cloths in his possession.	(6) Sub-Inspectors. K. Lahiri.
IV. That the remaining cloths were recovered while concealed in a granary, and under ) heaps of fuel in the houses of Bipta and Somun.	(7) Abdul Rahim (search witness (8) Sheonath Pande (search witness.)
V. That Bipia Goala has two previous convictions.	8. (i) Amarat Khan of Nathu agar police-station Constables Jeochari Singh of Bhagalpur district can prove the seccord conviction.