

HRREA10027132022



Presented on : 11-10-2022
Registered on : 11-10-2022
Decided on : 12-08-2025
Duration : 2 years, 10 months, 1 days

**IN THE COURT OF
Judicial Magistrate - Ist Class
AT Kosli, Rewari
(Presided Over by Ms. Nisha)**

CHI/241/2022

Crl. Number	Case/RBT	241-2022
Date of Institution		11-10-2022
CIS Number		241-2022
CNR No.		HRREA10027132022
U.I.D. Number		HR-0617

Complainant	State of Haryana
Represented by	Shri Ashish Tehlan, Ld. APP
Versus	
Accused	Chanchal, Suresh, Satbir and Umang
Represented by	Shri Devender Singh, Advocate

Date of Offence	01.05.2022
FIR	52 dated 02.05.2022
Under Sections	147, 149, 323, 325, 506 IPC
Police Station	Jatusana.
Challan under Sections	147, 149, 323, 325, 506 IPC
Charged Framed on	21.03.2023
Date of Commencement of Evidence	08.06.2023
Date on which judgment is reserved	12.08.2025
Date of Decision	12.08.2025
Final Judgment	Acquittal

Date of Sentencing order, if any	NIL
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A-1	Name of Accused	Chanchal, Suresh, Satbir and Umang
	Date of arrest	As per record
	Date of release on police bail	As per record
	Offence charged with	147, 149, 323, 325, 506 IPC
	Whether 'Acquitted' or 'Convict'	Acquitted
	Sentence Imposed	NIL

Present : - Shri Ashish Tehlan, Ld. APP for the State.
Accused Chanchal, Suresh, Satbir and Umang on bail with
Shri Devender Singh, Advocate.

JUDGMENT:

The above-named accused has been sent to face trial by
S.H.O Police Station Jatusana, for the alleged commission of offences
punishable under Sections 147, 149, 323, 325 and 506 of Indian Penal
Code, 1860 (hereinafter referred to as I.P.C).

PROSECUTION VERSION:

2. The prosecution case was launched on the basis of a written
complaint moved by Kiran Devi, wife of Balwan, resident of village
Dadoli, P.S. Jatusana. It was stated therein that on 01.05.2022, at around
08:30–08:45 PM, she, along with her husband, her son, and her son's
friend Vijay, was present at her house when an attack was carried out on
the said house by Umang (son of Satbir), Satbir (son of Ram Chander),
Suresh (son of Satbir), residents of village Dadouli, along with 7–8
unknown persons. They were stated to be armed with stones, axes,
sticks, and clubs. It was further mentioned that the door of the house was

broken first, and when an attempt was made by her son and his friend to stop them, blows with sharp-edged weapons were inflicted on the heads of Ajay (her son) and Vijay (her son's friend). It was further averred that thereafter, the house was entered forcibly, misbehaviour with her was committed by Suresh and Umang, her hair was pulled by Suresh, she was dragged and thrown to the ground, and slaps were given by Umang along with an attempt to tear her clothes. It was alleged that when an attempt was made by her husband to save her, he was also beaten. Upon her loud cries, villagers were stated to have gathered, after which threats to kill her and her family were issued by the accused, and the spot was left by them after abandoning an axe and a stick there. It was further submitted that calls were made to the police at numbers 100 and 112, the MLR was got prepared as per the advice of the police, and photographs of the broken door and the house were also taken by the police. In the incident, the door of the house was broken, entry was made by force, and fighting was committed. Grievous injuries with sharp-edged weapons were alleged to have been inflicted on her, her son Ajay, and her son's friend Vijay. Serious head injuries were sustained by Vijay (son of Subhash, resident of village Khushpura), due to which his condition became critical, and he was admitted in the ICU at Aditya Hospital, Rewari, after being referred by the government hospital. It was further alleged that several criminal cases had already been registered against the accused persons, and that their entire family was of a criminal nature.

On the basis of these allegations, a request was made by the complainant that necessary action be taken against the above-named

3. On the basis of this complaint, formal F.I.R. was registered. Investigation was commenced. Site plan was prepared. Statements of witnesses under Section 161 of Code of Criminal Procedure, 1973 (hereinafter referred to as Cr.P.C.) were recorded. On finding sufficient evidence against accused, he was arrested. After completion of all other formalities of investigation, challan under Section 173 Cr.P.C, was filed against the abovenamed accused person.

4. Thereafter upon his appearance, the accused was supplied with the copy of the challan and other documents appended therewith free of costs as envisaged under section 207 of Cr.P.C.

CHARGE:

5. Thereafter, on the basis of report under Section 173 Cr.P.C. and other accompanying documents, charge under Sections 147, 149, 323, 325 and 506 of IPC was framed against the abovenamed accused persons by the then learned SDJM, Kosli vide order dated 21.03.2023 to which, accused had pleaded not guilty and had claimed trial.

PROSECUTION EVIDENCE:

6. In order to prove its case beyond all reasonable doubt, prosecution got examined following witnesses mentioned hereunder: -

Rank	Name	Nature of Evidence
		(EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH

		WITNESS, OTHER WITNESS)
PW1	Kiran	Complainant
PW2	Vijay	Injured witness
PW3	Ajay	Injured witness

7. The prosecution witnesses have also tendered the following documents: -

EX.	DESCRIPTION
PW1/A	Complaint to SHO P.S. Jatusana
PW1/B	Statement of victim under Section 164 Cr.P.C.
PW3/A	Statement of Ajay
PW3/B	Medical rukka
PA	Copy of challan

8. Thereafter, learned APP for State vide his separate recorded statement dated 03.07.2025 closed the prosecution evidence stating that complainant/injured namely Kiran, Vijay and Ajay have been declared hostile and there are no chances of improvement in the present case.

SECTION 313 Cr.P.C.

9. Statement of the accused under Section 313 Cr.P.C was recorded today itself, wherein the accused have denied all the allegations of the prosecution and pleaded their innocence. Defence evidence not intended to be led by the accused.

ARGUMENT:

10. This Court has heard the arguments as put forth by learned APP for the State and Shri Devender Singh, learned defence counsel and have perused the case file very carefully and minutely.

FINDINGS OF THE COURT:-

11. It is a well settled principle of criminal jurisprudence that prosecution is under bounden duty to prove its case beyond all reasonable doubt against the accused by leading reliable, cogent and convincing evidence. The prosecution has to prove its case in a chain like manner getting each fact connected with another fact and thus forming a chain of facts. If there is any breach in the chain of facts, then that breach causes a shadow of doubt in the prosecution's story and benefit of that doubt must be given to the accused.

12. Upon hearing the arguments and perusal of the records, this Court finds no substance in the submissions made by learned APP for the reasons recorded hereinafter.

13. It is the case of the prosecution that on 01.05.2022 around 08.30/8.45 PM, accused persons being the members of an unlawful assembly and in prosecution of common object of that assembly committed an offence of rioting, caused simple as well as grievous injuries to Kiran, Vijay and Ajay with the help of blunt weapon and also committed criminal intimidation by threatening the complainant to face the dire consequences of death. To prove its case beyond reasonable doubt, the prosecution examined as many as three witnesses.

14. After carefully considering both oral and documentary evidence, this Court is of the considered opinion that the prosecution has miserably failed to prove its case. The complainant PW1 Kiran, during

her examination-in-chief, did not support the prosecution's version and did not identify the accused. Further, PW2 Vinjay (injured) and PW3 Ajay also injured in this case, during their examination-in-chief, did not support the prosecution's version and did not identify the accused. On this, on the request of APP the witness PW1 to PW3 were declared hostile and permission was granted to the APP to cross examined the witnesses. However, after a thorough cross examination by the Id. APP, nothing material elicited from their cross examination which could support the prosecution version. They denied the correctness of their statements Ex. PW1/A, PW2/A and PW3/A and submitted that they never given any statement to police that the accused persons present before the court caused injuries to the complainant and the other injured persons.

15. Hon'ble Apex Court in **State of Rajasthan Vs Teg Bahadur, 2004(4) RCR (Criminal) 528** has held that evidence of a hostile witness would not be totally rejected, if submitted in favour of the prosecution or accused but it can be subjected to close scrutiny and that portion of the evidence which is consistent with the case of the prosecution or defense may accepted. However, in the present case statement of prosecution witnesses who have been declared hostile has also been carefully scrutinized from that angle also but this Court found the same totally worthless .

16. Criminal liability cannot be presumed. It is clear that no

incriminating evidence is available on record against the accused. Therefore, by extending benefit of doubt, accused **namely Chanchal son of Satbir, Suresh son of Satbir, Satbir son of Chander Singh and Umang son of Satbir** are hereby acquitted of the charges levelled against them. Their bail bonds stand discharged. Accused are further directed to furnish personal bond in the sum of Rs. 20,000/- each for the purpose of Section 437A Cr.P.C. Requisite bonds furnished which are accepted and attested. Personal bond furnished by the accused shall remain in force for six months. File be consigned to the record room after due compliance.

Pronounced in open court.
12.08.2025

(Nisha)
Judicial Magistrate Ist Class,
Kosli. (UID-HR0617)

Note: This judgment contains eight pages and these pages have been dictated and signed by the undersigned.

Neetu
Stenographer-II

(Nisha)
Judicial Magistrate Ist Class,
Kosli. (UID No. HR-0617)