

**IN THE COURT OF SH. VIKAS VERMA, JUDICIAL MAGISTRATE
FIRST CLASS, (UID No. HR-0553) PANIPAT.**

CIS No. : CHI-1037-2019

Criminal Case : RBT-27-2026

Date of Institution : 10.06.2019/06.02.2026

Date of Decision : 07.07.2026

State Versus

1. Sonu son of Shri Ram Babu, resident of Rajiv Colony, Panipat.
2. Gulshan @ Gulu son of Shri Puran Chand, resident of Wadhawa Ram Colony, Panipat.
3. Pardeep son of Chander Mohan, resident of Gannaur, Sonipat.
4. Yogesh son of Shri Ram Kumar Tyagi, resident of Village Garhi Kesari, Gannaur, Sonipat.
5. Vikas son of Shri Suresh Sharma, resident of Gali No.26-B, Sawantar Nagar, Narela, Delhi.
6. Deepak son of Shri Hotu Ram, resident of Dhariwal Chowk, Panipat.
7. Deepak son of Shri Chetan Parshad, resident of Sector-13/17, Panipat.
8. Rinku son of Shri Ram Chander, resident of Wadhawa Ram Colony, Panipat.

..... Accused Persons.

FIR No. 72 dated 04.02.2019,

Under Sections: 420, 120-B IPC & Section 66
of IT Act and Section 13A of Gambling Act,
Police Station: Quilla, Panipat.

Present. Shri Ravinder Kumar, APP for the State.
Accused Sonu, Gulshan @ Gulu, Pardeep, Yogesh, Vikas, Deepak son of Hotu Ram, Deepak son of Chetan Parshad, Rinku on bail represented by Shri Virender Malik, Advocate.

JUDGMENT: -

1. The accused persons produced before the court to face trial by Police of Police Station Quilla for having committed an offence punishable under Sections 420, 120-B of Indian Penal Code, 1860 (for short 'IPC') and Section 66 of the Information Technology (Amendment) Act, 2008 (hereinafter for short 'the Act') and Section 13A of Gambling Act (hereinafter for short 'the Act').

Prosecution Case in Brief: -

2. The case of the prosecution was launched on the complaint of Insp. Ashok Kumar which states that he along with SI Dharambir 784, ASI Mahabir 78, EHC Captain 335 HC Kuldeep 92, Ct. Puneet 1408, Ct. Sunil 407, Ct. Amit 198 were present for patrolling and investigation of crime at Wadhawa Ram Colony Khanna Studio, Panipat, when a secret informer met them and informed that Gulshan alias Gullu son of Puran Chand, caste Punjabi resident of Wadhawa Ram Colony, with the intention of cheating, got such a software prepared in the computer in which the person who invests money loses and only the person who invests money wins. And Gulshan alias Gullu has rented a house in Wadhawa Ram Colony and is getting the lottery numbers entered on the software in the same computer and is getting the betting done. If immediate raid is conducted then he can be nabbed on the spot. On this information, Insp. Ashok Kumar prepared a raiding party and by sending an application for permission to raid the house rented by Gulshan alias Gullu separately, through Ct. Sunil 407 got the permission from Camp Office, Superintendent of Police, Panipat,. Insp. Ashok

Kumar along with his fellow officers reached the house at the address given by a secret informer, where in a room inside the house, a young boy was taking bets from four young men by making them to place bets on different numbers on a computer software and was putting the lost money of the players on a cloth near the computer in front. Insp. Ashok Kumar along with his fellow officers tried to overpower all five persons, in the meantime the boy operating the computer took out the wire of the computer and escaped by jumping over the wall. When the names and addresses of the four persons caught on the spot were asked, the first person gave his name as Sonu son of Rambabu, caste Keshvad Rajput, resident of Rajiv Colony, Panipat, the second one gave his name as Rinku son of Ramchandra, caste Multani Punjabi, resident of Vadhavaram Colony, Panipat, the third one gave his name as Deepak son of Hoturam, caste Pahuja, resident of Dhariwal Chowk, Panipat, and the fourth one gave his name as Deepak son of Chetan Prasad, caste Aroda, resident of Sector-13/17, Panipat and on enquiry told that this rented house and computer and other items have been taken by Gulshan alias Gullu for betting and the person who was operating the computer and who ran away from the spot, his name was Yogesh, who was also employed by Gullu alias Gulshan for betting. In front of them were kept a computer monitor, roll printer, two scanners, a controller with all connections connected, a mouse, two chargers, a keyboard, a mobile phone of Jio colour which was black. When the search of the four arrested persons was carried out as per procedure, Rs. 3000 were found from under the right knee of Sonu, Rs. 4300 from under the right knee of Rinku, Rs. 4000 from under the right knee of Deepak and Rs.

3700 from under the left knee of the fourth person Deepak, totaling Rs. 15000 and currency notes of Rs. 25010 were found kept on the cloth. The entire verandah containing Asiya computer monitor, roll printer, two scanners, a controller in which all the connections are connected, a mouse, a mobile phone brand Jio, black colour, two chargers, a keyboard and a total of Rs 40010 were taken into police custody as evidence in the Bajaria report. The accused and witnesses signed on the report. Gulshan alias Gullu, son of Puran Chand, caste Punjabi, resident of Wadhawa Ram Colony, Panipat, with the intention of cheating, got such software prepared in the computer and got Sonu, Rinku, Deepak, Deep above mentioned to take bets and committed crime under Sections 420 of IPC, 66 of IT Act, Section 13 of Gambling Act.” On the basis of these averments the complainant prayed that necessary action may kindly be taken against the above named accused persons.

3. On the basis of this complaint, formal FIR was registered under Section 420 IPC & Section 66 of IT Act and Section 13A of Gambling Act. Investigation was commenced. Above named accused persons were arrested and released on bail. Statements of witnesses under Section 161 of Code of Criminal Procedure, 1973 (hereinafter referred to as Cr.P.C.) were recorded and during investigation Section 120-B of IPC was added and after completion of all other formalities of investigation, challan under Section 173 Cr.P.C, was filed against the above named accused persons.

4. Thereafter, upon their appearance the accused persons were supplied with the copies of the challan and other documents appended therewith

free of costs as envisaged under section 207 of Cr.P.C.

5. Thereafter, on the basis of report under Section 173 Cr.P.C. and other accompanying documents, notice of accusation under Section 120-B, 420 read with Section 120-B of IPC & Section 66 of IT Act and Section 13 of Gambling Act was framed against the above named accused persons by the court vide order dated 13.09.2022 by the Court of Shri Harleen Pal Singh, the then learned JMIC, Panipat to which, accused persons had pleaded not guilty and had claimed trial.

Prosecution Evidence: -

6. Thereafter, in order to prove its case, the prosecution has examined **four** witnesses and tendered some documents as under: -

Sr. No.	Name of witnesses	Documents
1.	PW1 SI ORP Dharambir	Ex.PW1/A Seizure memo of case property i.e. computer monitor, roll printer, two scanners, a controller, mouse, mobile phone brand Jio, black colour, two chargers, a keyboard and Rs 40010 Ex.PW1/B Personal search and seizure memo Ex.PW1/C Disclosure statement of accused Sonu Ex.PW1/D Disclosure statement of accused Deepak Ex.PW1/E Disclosure statement of accused Deepak Ex.PW1/F Disclosure statement of accused Rinku
2.	PW2 SI Naresh Kumar	Ex.PW2/A FIR Ex.PW2/B Endorsement
3.	PW3 ASI Naresh	Ex.PW3/A Personal search and seizure memo Ex.PW3/B Personal search and seizure memo Ex.PW3/C Disclosure statement of accused

		Gulshan Ex.PW3/D Disclosure statement of accused Yogesh
4.	PW4 HC Puneet	

Thereafter, prosecution evidence was closed by the Court’s orders VOD 29.04.2026 as despite availing several effective opportunities the prosecution failed to conclude and exhaust the list of witnesses.

7. Thereafter, statements of accused persons under Section 313 Cr.P.C., were recorded on 10.06.2026 wherein, accused persons denied all the incriminating evidence brought on record against them by the prosecution and pleaded false implication. Thereafter, accused persons were called upon to enter on their defence and to lead evidence in support thereof. However, the accused persons failed to produce on record any evidence in their defence and same was closed by accused persons vide their separately recorded statement dated 07.07.2026.

8. It is submitted by learned APP for the state that by virtue of evidence available on judicial file and the genuine efforts made by the Investigation Officer to bring home the guilt of the accused persons, the accused persons are liable to be convicted for the offence. On the other hand, learned counsel for accused persons submits that the accused persons have been falsely implicated in the present case and they are totally innocent and they further submits that the alleged accused persons are being falsely implicated in the present case in order to extort money.

Observations and discussion: -

9. The Court has heard Shri Ravinder Kumar, learned APP for the State and Shri Virender Malik, learned defence counsel appearing on behalf of the accused persons and has gone through the case file very carefully with their kind assistance.

10. It is a well settled principle of criminal jurisprudence that prosecution is under a bounden duty to prove its case beyond all reasonable doubt against the above named accused persons by leading reliable, cogent and convincing evidence. Therefore, to substantiate its case on judicial file the prosecution has examined as many as **four** witnesses. It would not be out of the place to give brief resume of the witnesses examined by the prosecution.

(i) The prosecution first of all examined SI ORP Dharambir as PW1 who is merely a formal witness in the present case and in his examination in chief stated that on 03.02.2019, he remained joined in investigation with IO. PW1 further stated the version as contained in para no.2 of this judgment and are not repeated herein again for sake of brevity. PW1 proved on record Ex.PW1/A Seizure memo of case property i.e. computer monitor, roll printer, two scanners, a controller, mouse, mobile phone brand Jio, black colour, two chargers, a keyboard and Rs 40010, Ex.PW1/B Personal search and seizure memo, Ex.PW1/C Disclosure statement of accused Sonu, Ex.PW1/D Disclosure statement of accused Deepak, Ex.PW1/E Disclosure statement of accused Deepak, Ex.PW1/F Disclosure statement of accused Rinku, in his evidence. PW1 identified accused persons in Court. PW1 was then cross-examined by the

learned counsel for the accused wherein PW1 stated that we left CIA at about 10:30 O'clock in our Government Vehicle. We reached at spot at about 11:30 A.M. It is correct that case property was not recovered from any accused person. No public witness was joined in investigation. All other suggestions were denied by PW1.

(ii) Thereafter, prosecution got examined SI Naresh Kumar as PW2 who is merely a formal witness in the present case and in his examination in chief stated that on 04.02.2019, he was posted in P.S.Quilla, Panipat on SDO duty. PW2 proved on record Ex.PW2/A FIR and Ex.PW2/B Endorsement in his evidence. PW2 was then cross-examined by the learned counsel for the accused as Nil, opportunity given.

(iii) Thereafter, prosecution got examined ASI Naresh Kumar as PW3 who is merely a formal witness in the present case and in his examination in chief stated that on 04.02.2019, he was posted in NDPS Staff, Panipat on general duty and remained joined in investigation with IO. PW3 further stated the version as contained in para no.2 of this judgment and are not repeated herein again for sake of brevity. PW3 proved on record Ex.PW3/A Personal search and seizure memo, Ex.PW3/B Personal search and seizure memo, Ex.PW3/C Disclosure statement of accused Gulshan, Ex.PW3/D Disclosure statement of accused Yogesh, in his evidence. PW3 identified accused Yogesh who was present in Court as accused Gulshan was not present in Court at that time. PW3 was then cross-examined by the learned counsel for the accused wherein PW3 stated that Gulshan was joined in investigation at about 10:00 A.M. No public

witness was joined in investigation. No recovery was affected from accused persons before me. All other suggestions were denied by PW3.

(iv) Thereafter, prosecution got examined HC Puneet as PW4 who is merely a formal witness in the present case and in his examination in chief stated that on 03.02.2019, he was posted in NDPS Staff, Panipat on general duty and remained joined in investigation with IO. PW3 further stated the version as contained in para no.2 of this judgment and are not repeated herein again for sake of brevity. PW4 identified his signatures on Ex.PW1/C to PW1/F as witness. PW4 could not identify accused persons they had applied for exemption application. PW4 was then cross-examined by the learned counsel for the accused wherein PW4 stated that I and IO received information at about 06:00 O'Clock. I do not remember the vehicle's registration no. which was used by us. No public witness was joined in investigation. All other suggestions were denied by PW4.

Finding of the Court: -

11. Hence, after the careful scrutiny of the evidence brought on record by the prosecution in the present case, which has been discussed in detail above, only one conclusion can be arrived at, and that is that, the prosecution has miserably failed to discharge the burden of proving its case against the above named accused persons beyond all reasonable doubt. In this regard it is pertinent to mention here that, the prosecution has miserably failed to link the case property with the above named accused persons as it is admitted fact that the place from where the above named accused persons were allegedly nabbed and

the case property was recovered was public place. However, no independent witness was ever joined during arresting proceedings or recovery proceedings by IO. Further the case property i.e. computer monitor, roll printer, two scanners, a controller in which all the connections are connected, a mouse, a mobile phone brand Jio, black colour, two chargers, a keyboard and a total of Rs 40010, were never produced in open Court during trial and were even never got examined by any computer expert when it is alleged that accused Gulshan used computer software in getting bid in computer software from public in general.

12. In this regard, it is pertinent here to mention that in absence of any independent corroboration, the statements of official witnesses cannot be relied upon. Help in this regard can be taken from the case law titled as **Pawan Kumar Versus Delhi Administration 1988(2) RCR(Criminal) 421**, in which, it has been categorically held that where a large number of persons are present at the time of recovery but no independent witness produced and no attempt made to join the independent witness, statement of official witnesses cannot be relied upon. Another glaring loophole in the prosecution case is that the Investigating officer of the present case is also the complainant in the present case. In this regard, it is pertinent to take into account the case law titled as **Mukhtiar Ahmed Anshari Versus State(N.C.T., of Delhi) 2005(2) RCR (Crl.) 863** in which the Hon'ble Apex Court has held that where investigation was conducted by the very same police official who had lodged the complaint, in the absence of independent corroboration, no conviction can be recorded in such cases. In the present case also, all the witnesses got examined by the prosecution are police

officials who had joined the investigation and no independent witness despite availability has been examined by the prosecution in order to corroborate its version of the case.

13. Further it is mentionable here that the production of the case property in the Court is a corroborative piece of evidence, however, in the present case, no plausible explanation has been given by the prosecution for the non-production of the same and the same has proved to be fatal to the prosecution version of the case. The case titled as **Dharambir @ Dhrma Versus State of Haryana 2004 (2) RCR (Crl.) 777 Pb. & Haryana High Court**, further directs this court that where the case property is not produced in the Court by the Investigating Officer, and no plausible explanation for the same is given, then, the same is fatal to the prosecution version of the case.

14. Hence, in consonance with the foregoing discussion, this court is of the considered view that prosecution has miserably failed to lead sufficient evidence on record and stand on its own legs as a consequence of the same, accused persons namely **Sonu, Gulshan @ Gulu, Pardeep, Yogesh, Vikas, Deepak son of Hotu Ram, Deepak son of Chetan Parshad, Rinku** hereby deserves to be given the benefit of reasonable doubt. Consequently, having extending the benefit of reasonable doubt the above said **accused persons namely Sonu, Gulshan @ Gulu, Pardeep, Yogesh, Vikas, Deepak son of Hotu Ram, Deepak son of Chetan Parshad, Rinku are hereby acquitted of the charges framed against them.** The bail bonds and surety bonds of the accused persons shall remain intact for a further period of 6 months in

compliance of Section 437 of Cr.P.C, in order to secure their presence before the Ld. Appellate Court, if need arises. Case property if any, be disposed of as per rules after the expiry of period of limitation of filing of appeal and in case of appeal as per the directions of the learned Appellate Court. File after completion of all the necessary formalities be consigned to the record room.

Pronounced in open Court.

(Vikas Verma)
Judicial Magistrate 1st Class,
(UID No. HR-0553),
Panipat, 07.07.2026

Note: All twelve (12) pages of this judgment have been dictated,
checked and signed by me.

Typed by
Karun Aneja, Stenographer Gr.II

(Vikas Verma)
Judicial Magistrate 1st Class,
(UID No. HR-0553)
Panipat, 07.07.2026