

**IN THE COURT OF
MS. SUMAN, JUDICIAL MAGISTRATE FIRST CLASS,
BAHADURGARH**

HRJRA10057052017



Criminal Case No. : RBT-62 of 2017/2026

CIS No. : CHI-686/2017

UID No. : HR-0680

Date of Institution : 25-10-2017/11-05-2026

Date of Decision : 15-07-2026

State Versus

1. Lakhmiro wife of Ramesh, resident of Sarai Aurangabad.
2. Bharti wife of Naveen resident of Sarai Aurangabad.
3. Ramesh S/o Mangat Ram resident of Sarai Aurangabad. **(Proceedings abated vod 07.05.2026).**

4. Ravinder S/o Ramesh, resident of
Sarai Aurangabad.

..... Accused

FIR No. : 496 dated 20-08-2017

Under Sections : 323, 342 & 506 rw 34 of IPC.

Police Station : City, Bahadurgarh

Present: Ms. Pooja Yadav, APP for the State.
Accused Lakhmiro, Ravinder and Bharti on bail
represented by Sh. Balbir Singh, Advocate.
Proceedings against accused Ramesh dropped vod
07.05.2026.

J U D G M E N T

Introduction

1. The above named accused has been sent up by the SHO of Police Station City Bahadurgarh to stand trial of offences under Section 323, 342 & 506 rw 34 of the Indian Penal Code, 1860 (Hereinafter referred as the Code).

Case of the Prosecution

2. The brief facts of the prosecution case as per the complainant are that on 15.08.2017, ASI Rajesh Kumar of Police Station City Bahadurgarh received information from the Police Control Room that a woman, namely Suman, wife of Ravinder, had been admitted to General Hospital, Bahadurgarh due to quarrel. The Investigating Officer immediately reached the hospital along with the police staff and obtained the MLR of the injured. The attending doctor declared that the injured was unfit to make a statement and referred her to PGIMS, Rohtak for further treatment. The Investigating Officer contacted the injured's brother, who informed him that the family had shifted Suman to a private hospital at Narela, Delhi, for better treatment and that her statement would be recorded after she recovered. On 20.08.2017, information was received that Suman had been discharged from the hospital and had returned to her parental house at Village Mandora, District Sonapat. The Investigating Officer visited her residence and recorded her statement. In her statement, Suman alleged that she was married to Ravinder, son of Ramesh, about two years earlier. After the marriage, her husband Ravinder, her father-in-law Ramesh, her mother-in-law Lakhmiro, and her sister-in-law Bharti started

harassing and assaulting her on petty issues. She further alleged that she came to know about the illicit relationship between her husband and her sister-in-law. Whenever she protested, all the accused persons beat her and her husband stopped providing her household expenses. She further stated that on one occasion, when she informed her parents about the harassment, her husband and father-in-law assured her that such incidents would not be repeated. However, after a few days, her father-in-law allegedly attempted to assault her with a knife. She locked herself inside a room and called the police at emergency number 100. The police reached the spot and rescued her. According to the complainant, about one week before the occurrence, her husband again started beating her at the instigation of her sister-in-law. On the night of 14.08.2017, she noticed that her husband was in the room of her sister-in-law. When she informed her mother-in-law about the same, her husband Ravinder, father-in-law Ramesh, mother-in-law Laxmi, and sister-in-law Bharti allegedly assaulted her and forcibly administered a poisonous substance to her, causing her to lose consciousness. The complainant further stated that her father-in-law falsely informed her paternal uncle that she had consumed poison on her own. When

her family members arrived, the accused persons initially did not open the door and later assaulted them as well. After the police arrived, she was taken to Civil Hospital, Bahadurgarh, from where she was referred to PGIMS, Rohtak. Due to her critical condition, she was shifted to a private hospital at Narela, Delhi, where she remained admitted for about three days before being discharged. On the basis of the statement of the complainant and MLR No. GH/BG/669/17 dated 15.08.2017, FIR No. 496 dated 20.08.2017 under Sections 323, 342, 328, 506 and 34 of the Indian Penal Code was registered at Police Station City Bahadurgarh, District Jhajjar. During the course of investigation, the Investigating Officer inspected the place of occurrence, prepared the site plan, took photographs of the scene, and recorded the statements of the witnesses under Section 161 Cr.P.C. The discharge summary from Naman Hospital, Narela, Delhi, was also obtained and placed on record. During investigation, accused Ramesh was arrested on 03.09.2017, and accused Ravinder was arrested on 04.09.2017. Further investigation under Section 328 IPC was deleted. Subsequently, accused Bharti and Laxmiro were arrested on 03.10.2017 and were later released on bail by the Court. After

completion of the investigation, sufficient evidence was found against accused Ramesh, Ravinder, Laxmiro, and Bharti for offences punishable under Sections 323, 342, 506 read with Section 34 IPC. On completion of investigation, final report under Section 173 of the Code of Criminal Procedure, 1973 (Herein after referred as the Cr PC) against the accused presented before the Court.

Compliance with Section 207 Cr PC

3. On registration of Police final report under Section 173 Cr PC, copy of it complete in all respect was supplied to the accused free of cost as envisaged under Section 207 Cr PC.

Charges against Accused

4. After hearing the learned APP and learned defence Counsel and perusing the report under section 173 Cr.P.C, a prima facie case under Sections 323, 342 & 506 rw 34 of IPC was made out against the accused and he was charge-sheeted from the court of Sh. Pradeep Chaudhary, the then learned SDJM, Bahadurgarh, the then Judicial Magistrate Ist Class, Bahadurgarh, vide order dated 08.02.2018, to which they plead not guilty and claimed trial.

Prosecution Evidence

5. In order to substantiate its case, the prosecution has examined at trial seven witnesses – PW-1 Suman (Complainant), PW-2 ASI Rajesh, PW-3 Ct. Ajit, PW-4 Doctor Subhash, PW-5 Raj Kumar, PW-6 Doctor Sanjeev Duggal & PW-7 Retired SI Dayachand. Besides, the prosecution has produced following documenary evidence:

Ex-PW1/A Application of the complainant Suman to the Police.

Ex-PW2/A Police proceedings on application of the complainant.

Ex-PW2/D Application of Police to the Medical Officer seeking opinion regarding fitness of injured Suman for recording her statement.

Ex-PW4/A Discharged Summary dated 18-08-2017.

Ex-PW4/B Medical opinion regarding nature of injury described in the MLR of Suman.

Ex-PW6/A	MLR of Suman dated 15-08-2017.
Ex-PW6/B	Medical Ruca of Suman to the Incharge, Police Station, Bahadurgarh.
Ex-PW7/A	Copy of FIR.
Ex-PW7/B	Endorsement of FIR on Tehrir.
Ex-D1	Statement of prosecution witness Raj Kumar to the Police under Section 161 Cr PC.
Ex-P1	Photographs.
Ex-P2	Photographs.
Ex-P3	Photographs.
Ex-P4	Photographs.
Ex-P5	Photographs.

Examination of Accused under Section 313 Cr PC

6. On conclusion of prosecution evidence, incriminating evidence were put to the accused and his statement recorded u/s 313 of the Cr PC. To incriminating evidence put to the accused, he

merely and simply denied all incriminating evidence against them by stating to be wrong & false. Accused opted to lead evidence in his defence but led no evidence.

Defence Evidence

7. In order to rebut the evidence of the prosecution, the accused has examined at trial one witness – DW-1 Chand Singh. Besides, the accused has produced following documentary evidence:

Ex-DW1/A Petition under Section 13-B of The Hindu Marriage Act, 1955 seeking decree of divorce by way of Mutual Consent.

Ex-DW1/B Petition under Section 13-B of the Hindu Marriage Act, 1955 seeking decree of divorce by way of mutual consent.

Ex-DW1/C Petition under Section 13-B of the Hindu Marriage Act, 1955 seeking decree of divorce by way of mutual consent.

Arguments of Parties

8. Heard the arguments and perused the records. Learned Assistant Public Prosecutor for the State argued that the prosecution has proved charged offences against the accused beyonds reasonable

doubts & the accused deserves conviction of charged offence. To the contrary, learned counsel for the accused argued that the prosecution has failed to prove essentials of charged offences against the accused beyond all reasonable doubts. He further argued that neither the rash & negligence of the accused proved nor identification of accused established. The whole prosecution case remained highly doubtful. So, the accused deserves to be acquitted of all charged offences.

Questions/Points for Determination

9. The question/point for determination before the Court remained as whether accused has committed charged offences under Section 323, 342 & 506 rw 34 of the Code.

Appreciation of Evidence/Findings on Question/Points under Determination

10. In order to determine above questions/points, evidence on records have been analyzed and appreciated. Findings of the Court are described in succeeding paras.

11. This Court has carefully considered the entire oral as well as documentary evidence available on record. The prosecution was

under a legal obligation to establish the guilt of the accused beyond all reasonable doubt. It is a settled principle of criminal law that the burden of proving the prosecution case always rests upon the prosecution and never shifts upon the accused. The accused are entitled to the benefit of every reasonable doubt arising from the evidence on record. The prosecution case, therefore, has to stand on its own legs and cannot derive strength from any weakness in the defence. The entire prosecution case substantially rests upon the testimony of PW-1 Suman, who is the complainant as well as the alleged injured. Although the testimony of an injured witness ordinarily commands great weight, the same is not beyond judicial scrutiny. Such testimony has to be tested on the touchstone of consistency, probability and corroboration. In the present case, PW-1 has levelled general allegations against all the accused persons alleging that they assaulted her, wrongfully confined her and criminally intimidated her. However, her testimony does not clearly specify the individual role played by each accused. The allegations are omnibus in nature and lack material particulars regarding the specific overt acts attributed to each accused. The testimony of PW-1 also remains uncorroborated on material aspects by any

independent witness. Therefore, her sole testimony does not inspire the confidence of the Court to record a finding of guilt beyond reasonable doubt.

12. The testimony of PW-5 Raj Kumar, who was expected to corroborate the version of the complainant, also does not materially improve the prosecution case. His evidence does not establish the essential ingredients of the offences punishable under Sections 323, 342 and 506 IPC. Rather, the contradictions appearing between his deposition before the Court and his previous statement recorded under Section 161 Cr.P.C., exhibited as Ex. D-1, create doubt regarding the prosecution story. His testimony does not conclusively establish that the accused persons wrongfully confined or criminally intimidated the complainant. Consequently, the evidence of PW-5 fails to provide independent assurance to the version narrated by PW-1.

The medical evidence adduced by the prosecution also does not support the allegations in the manner expected. PW-6 Dr. Sanjeev Duggal proved the Medico-Legal Report Ex. PW-6/A. A careful perusal of the said MLR shows that no external injury whatsoever was found on the person of the complainant. There is no

mention of any abrasion, bruise, swelling, contusion or any other visible injury. The only history recorded in the MLR is that the complainant had allegedly consumed an unknown poisonous substance. Thus, the allegation of physical assault made by the complainant does not find any support from the contemporaneous medical record.

Further, the prosecution case initially alleged that the accused persons had forcibly administered poison to the complainant. However, the medical evidence completely fails to substantiate this allegation. Ex. PW-4/B, the medical opinion proved by PW-4 Dr. Subhash, clearly reveals that neither any blood sample nor any vomiting sample nor any gastric lavage sample was collected or preserved for chemical examination. No biological sample was ever sent to any Forensic Science Laboratory for analysis. Consequently, there is absolutely no scientific evidence available on record to establish that the complainant had consumed poison or that any poisonous substance had been forcibly administered to her.

The discharge summary Ex. PW-4/A also does not advance the prosecution case. The discharge summary merely

records that the patient was admitted with an alleged history of unknown poisoning and was treated accordingly. It nowhere records that poisoning stood medically confirmed. On the contrary, the discharge summary reflects that the condition of the patient was satisfactory. Thus, the discharge summary merely records the history narrated by the patient and not a medical confirmation of poisoning.

PW-4 Dr. Subhash has categorically deposed that the complainant came with an alleged history of unknown poisoning and underwent treatment on that basis. However, during his testimony, he admitted that no vomiting sample or gastric lavage sample was collected or sent for chemical examination. He further admitted that the blood pressure of the complainant was normal and there were no injury marks on her body. These admissions assume considerable importance because had the complainant been assaulted in the manner alleged by her, corresponding injuries would ordinarily have been expected on her body. Likewise, in the absence of any preserved biological samples or scientific analysis, the allegation of forcible administration of poison remains wholly unsubstantiated.

Similarly, PW-6 Dr. Sanjeev Duggal has also admitted that he had not conducted any internal medical examination to ascertain poisoning. He further admitted that neither vomiting sample nor gastric lavage sample was obtained during the medical examination. Therefore, the medical evidence is completely silent regarding the presence of poison in the body of the complainant. It is pertinent to note that the investigation itself culminated in deletion of the offence punishable under Section 328 IPC, which itself reflects that the Investigating Agency did not find sufficient material to support the allegation regarding administration of poison. This circumstance substantially weakens the prosecution version.

The cumulative reading of the testimony of PW-4 and PW-6 along with Ex. PW-4/A, Ex. PW-4/B and Ex. PW-6/A clearly establishes that there were no external injuries on the body of the complainant, no scientific evidence regarding poisoning was collected, no blood sample, vomiting sample or gastric lavage sample was preserved, no forensic examination was conducted and no medical opinion confirms administration of poison. Thus, the medical evidence, instead of corroborating the testimony of the complainant, creates a serious dent in the prosecution case. The

defence has examined DW-1 Chand Singh, who produced documents relating to proceedings under Section 13-B of the Hindu Marriage Act. Though these documents are not by themselves sufficient to disprove the prosecution allegations, they probabilise the defence version that serious matrimonial disputes were already existing between the parties. The existence of matrimonial discord provides a plausible background for false implication. It is well settled that the accused is not required to prove his defence beyond reasonable doubt. If the defence succeeds in creating a reasonable probability, the benefit thereof must go to the accused. Another significant circumstance which weakens the prosecution case is the absence of independent corroboration. According to the prosecution itself, the incident occurred in a residential locality and the complainant's relatives as well as police officials had reached the spot. Despite the availability of natural witnesses, the prosecution has not examined any independent witness to corroborate the allegations of assault, wrongful confinement or criminal intimidation. No satisfactory explanation has been furnished for such omission. Though non-examination of independent witnesses may not always be fatal, where the testimony of the complainant

itself suffers from material deficiencies and the medical evidence does not support her version, such omission assumes considerable significance.

13. The prosecution has also failed to prove the essential ingredients of the offences punishable under Sections 342 and 506 IPC. There is no cogent evidence establishing that the complainant was wrongfully confined so as to prevent her from proceeding beyond certain circumscribed limits. Likewise, there is no convincing evidence regarding any specific threat extended by any particular accused which caused alarm to the complainant. Mere bald and omnibus allegations are insufficient to constitute the offence of criminal intimidation.

Thus, when the entire prosecution evidence is appreciated as a whole, it becomes evident that the testimony of PW-1 is not supported by independent evidence; PW-5 has not materially corroborated the prosecution version; the medical evidence does not support either the allegation of assault or the allegation of administration of poison; Section 328 IPC itself came to be deleted during investigation; the defence has succeeded in probalising the existence of matrimonial discord; and the prosecution has failed to

establish the essential ingredients of the offences charged. These deficiencies are not minor discrepancies but go to the very root of the prosecution case and create serious doubt regarding the truthfulness of the allegations.

14. It is a settled proposition of criminal law that suspicion, however grave, cannot take the place of legal proof. The prosecution is required to prove the guilt of the accused beyond reasonable doubt by leading cogent, reliable and trustworthy evidence. In the present case, the prosecution has failed to discharge that burden. Consequently, the accused are entitled to the benefit of doubt. Accordingly, this Court holds that the prosecution has failed to prove the charges under Sections 323, 342 and 506 read with Section 34 of the Indian Penal Code against the accused beyond reasonable doubt, and the accused deserve to be acquitted of all the charges framed against them.

15. Lastly, it is settled proposition of law that prosecution has to prove its case beyond reasonable shadow of doubts. In case titled “*Narender Singh and Another Vs State of MP, 2004 (3) RCR (Criminal) 613*” the Hon'ble Supreme Court of India has held that

"Presumption of innocence is a human right and burden of proof otherwise, remains on the prosecution". Further, in a criminal case mere suspicion, however strong, cannot take the place of proof. Between "may be true" and "must be true" there is inevitability a long distance to travel and whole of this distance must be covered by the prosecution by legal, reliable and unimpeachable evidence before the accused can be held guilty of charges. The prosecution has not covered the same in the present case for reasons discussed above. Rather, the prosecution case remained highly doubtful of which accused deserves benefit.

Conclusion

Order of Acquittal/Conviction

16. Conclusively in nutshell, in view of aforesaid discussion and reasons, the Court reached to conclusion that the prosecution failed to prove charged offences against the accused beyond required all reasonable doubts. Therefore, the accused persons are acquitted of all charged offences against them by extending benefit of doubts. Bail and surety bonds of accused stand discharged. The case property if any, be disposed of as per rules after the expiry of period of limitation for appeal/ revision if any. File be con-

signed to the Judicial Records Room, Bahadurgarh after due compliance.

Pronounced in open Court.

	(Suman)
	Judicial Magistrate First Class
	Bahadurgarh
15-07-2026	UID No. HR-0680

Note: This judgment contains twenty pages and each page has been checked and signed by me.

	(Suman)
	Judicial Magistrate First Class
	Bahadurgarh
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