

CHI-348-2023 State Vs. Satpal Singh
CNR No. HRAMA1-0001538-2023

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**IN THE COURT OF MRS. MONIKA JANGRA, (UID No.HR0410), JUDICIAL
MAGISTRATE FIRST CLASS, NARAINGARH, DISTT. AMBALA.**

Case Type : CHI.
Filing No.: CHI/1534/2023
Registration No. : 348-2023.
Registration Date : 31.08.2023.
CIS No. : CHI/348/2023.
CNR No. : HRAMA1-0001538-2023.
Date of Decision : 09.01.2024.

State	Versus	Satpal Singh s/o Sh. Ram Singh, R/o Village Laha, Naraingarh, Distt. Ambala. ...Accused.
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FIR No. :37 dated 18.08.2023.
Under Sections : 354, 354-A and 506 IPC.
Police Station: Women, Naraingarh.

Present: Shri Sumit Sharma, APP for the State assisted by Sh. Manoj Chauhan, Advocate for complainant.
Accused Satpal Singh on bail represented by Shri Devinder Singh, Advocate.

J U D G M E N T :

The above named accused has been sent up to face trial with the allegations of committing the offences punishable under Sections 354, 354-A and and 506 of the Indian Penal Code, 1860 [hereinafter to be read as IPC for brevity] by Station House Officer, Women Police Station, Naraingarh.

2. The brief facts of the prosecution case are that present case was registered on the basis of complaint of complainant “SC ” (name withheld with a view to not to disclose the identity of the prosecutrix) (hereinafter to be read as prosecutrix for brevity) daughter of “GS” (name withheld with a view to not to disclose the identity of the family of prosecutrix), resident of village Laha, Tehsil, Naraingarh, District Ambala.

Monika Jangra,
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She alleged in her complaint that her marriage was solemnized with “GS” who is the son of accused in the year 2012 and out of that wedlock, one son namely Kartik Singh was born and now he is of 10 years age. In the year 2019, her husband went to Italy and now, he is living there. Her mother-in-law Kamlesh is of unsound mind and is not able to understand her good or bad. The accused is a quarrelsome and greed person of bad character and he is relationship with a girl namely Rekha. The accused has kept a evil eye upon her since her husband went to Italy. When her son went to school, accused used to forcibly enter into her room and teased her. He misbehaved with her and torn her clothes. When she objected for this, then, accused threatened to take the property transferred in the name of her husband. Accused is a drunkard and used came to the house in drunken condition. Accused tried to rape her under the influence of liquor. Accused demanded Rs.2.00 Lacs from her with the words that he has to pay Rs.2.00 Lacs to Rekha. He extended a threat to kill her and her husband. A prayer is made for taking action the accused against the accused.

3. After registration of case, necessary investigation was carried out by L/H.C. Kanta Devi. Site plan was prepared. Statements of witnesses were recorded under Section 161 of the Criminal Procedure Code,1973 [hereinafter to be read as Cr.PC. for brevity]. Statement of the prosecutrix under Section 164 Cr.P.C. was also recorded. The accused was arrested. Relevant record was collected. The final report under Section

173 of Cr.P.C., was prepared against the above named accused and presented in the Court.

4. Copies of final report and relevant documents were supplied to the accused free of costs as envisaged under Section 207 of Cr.P.C.

5. A prima facie case under Sections 354, 354-A and 506 of IPC was found to be made out against the accused. The accused was charge-sheeted accordingly, by the Court of undersigned. The accused did not plead guilty and claimed trial.

6. In order to prove its case, the prosecution has examined following witnesses in its favour :

PW1: SC (name withheld with a view to not to disclose the identity of the prosecutrix)

PW2: L/H.C Pinki.

The prosecution has also produced the following documents in its documentary evidence :

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|----|-----------|---|---|
| 1. | Ex.PA | - | Complaint dated 11.08.2023. |
| 2. | Ex.PW1/A | - | Statement dated 18.08.2023 of complainant recorded before the Women Police Station, Naraingarh. |
| 3. | Ex.PW1/B | - | Copy of statement of complainant under Section 164 Cr.P.C. |
| 4. | Ex. PW2/A | - | Disclosure statement of accused Sat Pal Singh. |
| 5. | Ex.PW2/B | - | Memo of demarcation of place of occurrence. |

This was all the evidence produced by the prosecution. Thereafter, learned APP for the State closed evidence on behalf of prosecution vide his separately recorded statement dated 09.01.2024.

7. After completion of prosecution evidence, statements of accused under Section 313 Cr.P.C. was recorded. All incriminating materials brought on record were put to accused to which he denied the allegations made against him and claimed himself to be innocent and pleaded that he has been falsely implicated in this case. Accused did not opt to lead evidence in his defence.

8. In the present case, accused was charge-sheeted under Sections 354, 354-A and 506 IPC. Hence, the points for determination are following :

1. Whether the accused assaulted the complainant intending to outrage her modesty?
2. Whether the accused sexually harassed the complainant by making physical contact and advances involving unwelcome and explicit sexual overtures?
3. Whether the accused committed criminal intimidation by threatening complainant to kill her?

The onus lies on the prosecution to prove these allegations against the accused.

9. The prosecution in order to bring home the guilt of accused has examined two witnesses.

PW1 "SC" i.e. prosecutrix is the complainant herself. She deposed that few years ago, some differences arose between her and family of her-in-laws. The accused present in Court neither misbehaved nor did any wrong act with her. She further deposed that accused never

extended any threat to kill her to death. She was declared hostile on the request of learned Assistant Public Prosecutor for the State.

PW2 L/HC Piniki deposed that on 22.08.2023, she was posted of Women Police Station, Naraingarh. On that day, Investigating Officer L/HC Kanta Devi arrested accused Sat Pal. Accused got recorded his disclosure statement Ex.PW2/B in her presence. Memo of demarcation of place of occurrence Ex.PW2/B was prepared in her presence. All memos bear her signature as a witness. She identified the accused present in the Court.

10. In the instant case, as already discussed, the prosecution has got examined two witnesses in all. PW1 "SC" i.e. prosecutrix is the complainant and victim of the present case. She could narrate the precise and truthful version of the incident portrayed to have happened with her. But, surprisingly, PW1 did not utter any word against the accused and she was declared hostile on the request of learned APP for the State, who was also allowed to cross-examine this witness separately. Further, nothing beneficial to the interests of the prosecution could be extracted from the mouth this witnesses. Hence, in view of the testimony of PW1, there is nothing on case file against the accused to connect him with the alleged offences.

11. It is the settled principle of criminal principle of jurisprudence that the prosecution has to prove its case against accused beyond reasonable doubt. If two views are possible, one to favour the accused and other against the accused, then, benefit of doubt must be

given to accused. In the instant case, the prosecution has failed to prove its case against accused beyond reasonable doubt.

12. Keeping in view aforesaid discussion, I have no hesitation in holding that since material prosecution witness PW1 i.e. complainant who is the victim has turned hostile, the prosecution has failed to prove charges against the accused beyond reasonable doubt. Accused Satpal Singh is hereby acquitted of the charges framed against him and his bail bond etc. also stand discharged. Case property, if any, be disposed of as per rules after the expiry of period of appeal/revision and the result thereof. File be consigned to the record room, after due compliance. Concerned Ahlmad is directed that the file for consignment should be prepared as per clauses 3, 4, 5 and 6 of chapter 16F volume -IV of High Court Rules in order (i.e. arranging the files in part A and B) so that the record which is to be destroyed/weeded out should be kept separately from the initial stage.

Pronounced in open Court
Dated:09.01.2024

Monika Jangra,
Judicial Magistrate Ist Class,
Naraingarh
UID No.HR0410

Note: This judgment contains six (6) pages each of which has been checked & signed by me. All the cuttings/over-writings have been initialed by me.

Monika Jangra,
Judicial Magistrate Ist Class,
Naraingarh
UID No.HR0410

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Present: Shri Sumit Sharma, APP for the State assisted by Sh. Manoj Chauhan, Advocate for complainant.
Accused Sat Pal Singh on bail represented by Shri Devinder Singh, Advocate.

Today, the case was fixed for prosecution evidence. One PW is present and duly examined as PW2 L/H.C. Pinki. Thereafter, the learned APP for the State has closed evidence on behalf of prosecution vide his separately recorded statement. Statement of accused under Section 313 Cr.P.C. recorded. Accused did not opt to lead any evidence in defence evidence of accused. Arguments heard. Let, the case file be put up after lunch for pronouncement of judgment.

Dated : 09.01.2024

(Monika Jangra),
Judicial Magistrate 1st Class,
Naraingarh
UID No.HR0410

Present: Shri Sumit Sharma, APP for the State assisted by Sh. Manoj Chauhan, Advocate for complainant.
Accused Sat Pal Singh on bail represented by Shri Devinder Singh, Advocate.

File has been put up after lunch. Arguments heard. Order Pronounced. Vide my separate detailed judgment of even date, the accused Satpal Singh is acquitted of the charge framed against him. His bail bonds and surety bonds stand discharged. He is directed to furnish personal bonds in sum of Rs.15,000/-, in terms of Section 437-A of Cr.P.C. Requisite bonds furnished, accepted and attested. Case property, if any, be disposed of as per rules after the expiry of period of appeal/revision and the result thereof. File be consigned to the record room after due compliance. Concerned Ahlmad is directed that the file for

consignment should be prepared as per clauses 3,4,5 and 6 of chapter 16F volume -IV of High Court Rules in order (i.e. arranging the files in part A and B) so that the record which is to be destroyed/weeded out should be kept separately from the initial stage.

ANNOUNCED IN OPEN COURT:
DATED:09.01.2024

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(Monika Jangra),
Judicial Magistrate 1st Class,
Naraingarh
UID No.HR0410