

State Versus Parmod

In the Court of Ms Aparna Bhardwaj,
Chief Judicial Magistrate, Kaithal

<u>CNR No.HRKH030040872020</u>		
	<u>Case No. CHI/810/2020</u>	
	Presented on	: 17-08-2020
	Registered on	: 17-08-2020
	Decided on	: 01.07-2026

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1.

Parmod Ganguwar son of Ram Snehi, resident of Pachhihata Majre Chakhata, Pachhihata, Chakhata Mandraon, Fatehpur (U.P.),
2.

Gaurav son of Hari Babu Gupta, resident of Jahanpur, Bindki (U.P.),
- ...Accused.

Case FIR No.13 dated 05.01.2020
Under Sections: 323, 452, 506 of IPC
Police Station: City Kaithal.

Present: Sh. Balinder, APP for the State.
Accused Parmod Ganguwar and Gaurav on bail
represented by Sh. Karan Kalra, Advocate.

JUDGMENT:

The accused above-named have been sent up to face trial in the Court for alleged commission of offences under Sections 323, 452, 506 of IPC by SHO Police Station, City Kaithal.

2. Brief facts of the case are that a formal complaint dated 05.01.2020 was submitted by the complainant Ahmad son of Riyazudin. It was stated by the complainant that on 04.01.2020 at about 7.47 A.M., accused No.1 Parmod telephonically contacted the complainant and inquired about his whereabouts. When the complainant disconnected the

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phone call, accused No.1, 2 called on mobile phone of the complainant multiple times from an unknown number. The complainant did not receive the phone call due to fear. It was averred that on 05.01.2020 at about 9.00 A.M. the complainant was present in his room situated in Seth Complex Pehowa Chowk, Kaithal when accused No.1, 2 accompanied by unknown persons reached the spot and beat him with sticks, *danda*. The accused are also claimed to have threatened to kill the complainant in future. It was alleged that the accused broke the mobile phone of the complainant and that the gold chain of the complainant was also lost in the incident.

3. On the basis of the complaint filed, a formal FIR under Sections 148, 149, 323, 452, 506 IPC was registered by the police. During investigation, scene of occurrence was visited and site plan was prepared. The accused were admitted to bail by the Court of Sh. Vivek Nasir, the then Id. ASJ Kaithal. The accused were joined in the investigation of the case. On the completion of investigation, the challan was submitted in the Court.

4. Copies of challan were supplied to the accused free of costs as mandated by Section 207 Cr.P.C. On the basis of arguments advanced and the documents on record, a *prima facie* case under Sections 323, 452 and 506 of IPC was made out against the accused. Accordingly, charges against the accused were framed under Sections 323, 452 and 506 IPC to which they pleaded not guilty and claimed trial.

5. In order to establish its case, the prosecution examined five witnesses.

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6. **PW1 Dr. Minakshi**, Medical Officer, Kaithal proved the MLR of the complainant Ahmed dated 05.01.2020 as Ex.PW1/1, computerised copy of MLR as Ex.PW1/2 and her affidavit as Ex.PW1/3.

On being cross-examined the witness stated that the possibility of injuries as mentioned in the FIR, having been sustained from falling from a higher surface cannot be ruled out.

7. **PW2 ASI Bijender Singh**, proved formal FIR as Ex.PW2/1 and endorsement as Ex.PW2/2.

8. **PW3 Inspector Pardeep** deposed that on 27.02.2020 he has prepared the final report Ex.PW3/A in the present case.

9. **PW4 Retired ASI Suresh Kumar** was the Investigating Officer of the case. In his examination-in-chief, he reiterated the submissions as made in the challan.

10. **PW5 Ahlamd**, the complainant deposed that on 05.01.2020 he was present in his room situated in Seth Complex, near Pehowa Chowk when unknown persons entered the room and beat him. The witness stated that he raised a noise to save himself and that the attackers fled away from the spot. The witness deposed that accused were not the persons who had attacked him. The witness was declared hostile at the request of Ld. APP for the State who was permitted to cross-examine the witness. During cross-examination by the Ld. APP, the witness was confronted with complaint Ex.PW5/A purported to have been given to the police but denied having done so.

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11. The evidence of the prosecution was closed by ld. APP on 15.05.2026. On the conclusion of prosecution's evidence, statements of accused Parmod Ganguwar and Gaurav under Section 313 Cr.P.C were recorded wherein they denied the veracity of prosecution's case but did not lead any evidence in defense.

12. I have heard the arguments advanced by Ld. APP for the State, Ld. counsel for the accused and have perused the documents on record carefully.

13. The present FIR was registered on the basis of complaint Ex.PW5/A submitted by the complainant Ahlamd son of Riyazudin. The complainant deposed as PW5. He did not support the case of the prosecution and was declared hostile. No other eye witness to the incident was examined in the Court. The remaining witnesses who testified in the Court were merely official/formal witnesses.

14. Keeping in view the discussions in preceding paragraphs, it is held that the prosecution has failed to prove its case against the accused beyond all reasonable doubts. The accused are given benefit of doubt and are hereby acquitted of all charges framed against them. As per Section 437-A Cr.P.C., requisite bonds in the sum of ₹15,000/-each have been furnished, accepted and attested. Case property, if any, be disposed of as per rules. 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.

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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: **01.07.2026**

(Aparna Bhardwaj)
Chief Judicial Magistrate,
Kaithal. (UID No.HR-0345)

Note: All the pages of this judgment have been checked and signed by me.

Dated: **01.07.2026**

(Aparna Bhardwaj)
Chief Judicial Magistrate,
Kaithal. (UID No.HR-0345)

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