

State v. Rajender

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HRRH030148002026



Presented on : 03-07-2026
Registered on : 03-07-2026
Decided on : 15-07-2026
Duration : 0 years, 0 months, 12 days

IN THE COURT OF
Chief Judicial Magistrate
AT ,Rohtak
(Presided Over by Sh. Mohommad Sageer)
CHI/884/2026

State Vs. Rajender son of Ramji Dass, r/o Solgar
Wali Gali, Mata Darwaja, Rohtak.

FIR No. 171 dt. 002.06.2026
U/S: 209 BNS
PS: City, Rohtak

Present:- Sh. Deepak Chahal, APP for the State.
Accused Rajender on bail represented by learned counsel Sh.
Neeraj Dahiya, Advocate.

JUDGMENT:-

The above named accused was sent by the SHO of Police Station
City, Rohtak in challan to stand trial for commission of offence punishable
under Section 209 BNS (old 174A IPC) in case FIR mentioned above.

2. The brief facts of the case are that an order has been received
from this Court containing the allegations that in the case titled as State v.
Rajender bearing CIS No. 250 of 2021, the accused has been declared as
proclaimed person vide order dated 19.05.2026 by this Court. A direction to
register an FIR under Section 209 BNS was given. In consequence of the
same, the present case was registered. Investigation was conducted. Ac-

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cused was arrested. After completion of investigation, challan against the accused for the commission of offence under Section 209 of BNS was filed.

3. On finding a prima-facie case accused was charge sheeted under Section 209 BNS vide order dated 15.07.2026, to which he pleaded not guilty and claimed trial.

4. In order to prove its case, prosecution examined following witnesses:-

PW-1 : Manjeet-Ahlmad

5. Beside these following documents are tendered:-

Ex. PW1/A	Copy of PO Order dated 19.05.2026
Ex. P1 to P4	FIR, Endorsement, Arrest & identification memos

6. Thereafter, ld. APP for the State has closed the prosecution evidence vide his separate recorded statement.

7. Statement of accused under Section 313 Cr.P.C was recorded, in which he pleaded innocence and alleged his false implication by the police. However, he opted not to lead any evidence in defence.

8. Learned APP for the State argued that the case of the prosecution has been duly proved and prayed for conviction of the accused.

9. However, ld. defence counsel has argued that the prosecution has miserably failed to prove its case against the accused beyond reasonable shadow of doubt.

10. I have duly considered the contentions advanced by the Learned defence counsel and learned APP for the State and have gone through the case file carefully and thoroughly, and I am of the considered view that the prosecution has failed to prove its case against the accused.

11. From the perusal of evidence produced on record by the prosecution, the prosecution has been able to establish that the accused has committed the offence under Section 209 BNS as he was declared proclaimed person in the case titled as State v. Rajender bearing CIS No. CHI-250 of 2021 VOD 19.05.2026. This fact stands established on record from the order Ex. PW-1/A issued by this Court.

12. Section 84 (3) of BNSS (old section 82 of Cr.P.C.) clearly provides that a statement in writing by the court issuing the proclamation to the effect that proclamation was duly published on a specified day, in the manner, specified in clause (I) of sub-section 2, shall be conclusive evidence that the requirements of this section have been complied with, and that proclamation was published on that day. In the present case, the order dated 19.05.2026 passed by this Court, has been duly proved by the prosecution as Ex. PW-1/A, and therefore, it is conclusive proof that the accused had been

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declared as proclaimed person by the Court as he did not appear in the Court on the date fixed and thereby committed offence under section 209 BNS.

13. As a result of above discussion, wherein from the order Ex. PW-1/A, it is established that accused Rajender has been declared Proclaimed Person in case titled as State v. Rajender bearing CIS No. CHI-250-2021, by this court VOD 19.05.2026. There is no dispute of identity, raised by the accused in this case. Further, even no suggestion has been taken by the accused to the effect that the order vide which the accused has been declared proclaimed person is wrong. Hence, the prosecution has been able to establish that the accused was declared proclaimed person, who has committed an offence under Section 209 BNS (old 174A IPC). Accused did not opt to lead evidence in his defence and, as such, prosecution has been able to establish the guilt against the accused for the commission of offence under Section 209 BNS (old 174A IPC). Consequently, he is hereby held guilty for commission of offence under Section 209 BNS (old 174A IPC). Let the convict be heard on quantum of sentence after lunch hours.

Announced in open Court.
Dated :-15.07.2026

(Mohammad Sageer)
Chief Judicial Magistrate,
Rohtak. UID No. HR0381.

Note: This Judgment contains 4 pages and all the pages have been checked and signed by me.

Dinesh

(Mohammad Sageer)
Chief Judicial Magistrate,
Rohtak. UID No. HR0381.

(Mohammad Sageer)
CJM, Rohtak

QUANTUM OF SENTENCE:-

Present: Sh. Deepak, APP for the State.
Convict Rajender in person, represented by Sh. Neeraj Dahiya, Advocate.

ORDER:-

Heard on quantum of sentence.

2. It has been urged on behalf of Learned defence counsel that convict is a poor person and have to look after his family. Except him, there is nobody else to look after his family. He shall not repeat such type of mistake again. He prayed that mercy be placed upon the convict so as to give him a chance to reform as a good citizen in the society.

3. Perusal of case file reveals that the accused remained in custody since 03.06.2026 to 08.07.2026 in the present case during investigation and inquiry. Keeping in view the age, character, antecedents of the convict and nature of the offence in which he is involved, this Court is of the opinion that ends of justice would be met, if the convict is released on sentence already undergone by him as discussed above. Ordered accordingly. File be consigned to record room after due compliance.

Announced in open Court.
Dated :-15.07.2026

(Mohammad Sageer)
Chief Judicial Magistrate,
Rohtak. UID No. HR0381.

Dinesh