

HRRH030229652025



Presented on : 10-09-2025
Registered on : 10-09-2025
Decided on : 03-07-2026
Duration : 0 years, 9 months, 23 days

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

CHI/1570/2025

State Vs. Sanjay son of Sher Singh r/o Bathua Basti
VPO Baniyani, Kalanaur, Rohtak.

FIR No. 190 dt. 25.08.2025
U/S: 174-A IPC.
PS: Arya Nagar, Rohtak.

Present:- Sh. Deepak Chahal, Ld. APP for the State.
Accused Sanjay on bail, represented by learned counsel Sh.
Surender Singh, Advocate.

JUDGMENT:-

The above named accused was sent by the SHO of Police Station, Arya Nagar, Rohtak in challan to stand trial for commission of offence punishable under Sections 174-A of IPC in case FIR mentioned above.

2. The brief facts of the case are that an order has been received from the Court of Sh. Aashish Arya, the then JMJC, Rohtak containing the allegations that in the said case titled as PNB v. Sanjay bearing CIS No. NACT-910, the accused has been declared as proclaimed person vide order dated 24.07.2023. A direction to register an FIR under Section 174A of IPC was given. In consequence of the same, the present case was registered. Investiga-

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tion was conducted. Accused was arrested. After completion of investigation, challan against the accused for the commission of offence under Section 174A of IPC was filed.

3. On finding a prima-facie case accused was charge sheeted under Sections 174-A of IPC vide order dated 07.04.2026, to which he pleaded not guilty and claimed trial.

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

PW-1 : P/SI Bijender

PW-2 : Manjeet Singh-Ahlmad

5. Beside these following documents are tendered:-

Exhibit. PW2/A : PO order dated 24.07.2023

Exhibit. P1 to P3 : FIR, Arrest memo and identification

6. Thereafter, PWs was closed by the learned APP for the State VOD 03.07.2026.

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 evidence in his defence.

8. Learned APP for the State submitted that the prosecution has duly proved its case and prayed for conviction. However, ld. defence counsel has argued that the prosecution has miserably failed to prove its case against the accused beyond reasonable shadow of doubt.

9. 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 persons.

10. It was argued by learned counsel for the accused that offence in question under Section 174- A IPC is embodied in Chapter X of the Indian Penal Code. He also contended that as per provisions of Section 195 Cr.P.C., no Court can take cognizance of the offences falling under Sections 172 to 178 IPC except on the complaint in writing of the Court concerned or by such Officer authorized to do so on its behalf. He further argued that in this case, no complaint in writing has been made by the concerned Court or by any of its officers authorized to do so.

11. After having heard both the sides at length, this Court has come to the conclusion that the accused was sent to face trial on the basis of report under Section 173 Cr.P.C., lodged on the basis of order of the Court of Sh. Aashish Arya, the then JMIC, Rohtak containing the allegations that in the said case titled as PNB v. Sanjay bearing CIS No. NACT-910, the accused has been declared as proclaimed person vide order dated 24.07.2023 as (Ex.PW2/A). The accused was sent to face trial for the commission of offence under Section 174-A IPC.

12. In so far as arguments advanced by learned counsel for the accused on the provision of Section 195 Cr.P.C. is concerned, the relevant portion of Section 195 Cr.P.C. is as under:-

“(I) No Court shall take cognizance-

(a) (i) of any offence punishable under Sections 172 to 188 (both inclusive) of the Indian Penal Code (45 of 1860).

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(except on the complaint in writing of that Court or by such officer of the Court as that Court may authorize in writing in this behalf, or of some other Court to which that Court is subordinate).

13. In **Pardeep Kumar Vs. State of Punjab and another**, CRM-M No. 41656 of 2023 O&M, decided on 23.07.2023 it has been held that “.....*Code of Criminal Procedure does not prescribe an automatic or obligatory invocation of further criminal liability under Section 174-A of the Indian Penal Code, in every case where an individual fails to appear pursuant to him being declared as ‘proclaimed person’ or ‘proclaimed offender’ after the publication of the proclamation under subsection (1) of Section 82 of the Code....*”

and “.....*it is imperative to institute a formal written complaint in the competent jurisdictional court. This imperative arises from the prevailing provision of Section 195 of the Code of Criminal Procedure, which mandates that the Court shall not take cognizance of any offence punishable under Sections 172 to 188 (both inclusive) of the Indian Penal Code except on the complaint in writing of the public servant concerned or of some other public servant to whom he is administratively subordinate....*”.

14. In **Sher Singh Vs. State of Haryana** CRR No. 2509 of 2014 decided on 02.05.2016, Hon’ble High Court has held that a complaint of concerned court is necessary, if the accused is declared as P.O. as case under section 174 A of IPC is to be instituted by complying the provisions of section 195A of Cr.P.C.

15. No doubt Hon'ble Delhi High Court in **Manish Goomer Vs. State 2012 (1) JCC 465** has categorically held that section 195 of Cr.P.C. has not been correspondingly amended so as to include section 174 A of IPC which was brought into the Penal Code w.e.f. 23.6.2006. Consequently it was held that by no stretch of imagination it can be inferred or presumed that section 174 A of IPC would be deemed to be included in between sections 172 to 188 of IPC and thus the police officer on a complaint under section 174 A of IPC is competent to register an FIR and after investigation thereto file a charge sheet before the court of Magistrate who can take cognizance thereof. That judgment was also followed in **Moti Singh Sikar Vs. State of UP and others, Manu/UP/2481/2016** by Hon'ble High Court of Allahabad decided on 29.11.2016.

16. However, this case of Manish Goomer (supra) has been discussed in case of Pardeep Kumar case (Supra) by Hon'ble Punjab and Haryana High Court.

17. Therefore this court is of the view that the accused is liable to be acquitted for want of complaint in this case. In such circumstances, the accused **Sanjay** is hereby **acquitted** in the present case. His bail bonds stands discharged. File be consigned to the records after due compliance.

Announced in open Court.
Dated :-03.07.2026

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

Note: This Judgment contains 05 pages and all the pages have been checked and signed by me.

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