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**BEFORE THE JUVENILE JUSTICE BOARD HEADED SH.
ANISH GOYAL, PRINCIPAL MAGISTRATE: FEROZEPUR. (UID
No.PB0320)**

Juvenile Case No.8

Date of Institution : 07.02.2020.

CIS No. JJB-08/2020.

Date of Decision : 07.09.2021

State Versus xxxxxxxx xxxxxx aged about 18 years son of Prem
Pal Handa, resident of Sai Vihar, Icche Wala
Road, Ferozepur City

.....Juveniles in conflict with law.

**FIR No. 110 dated 22.05.2018.
U/s 295, 324, 323, 341, 34 IPC.
Police Station City, Ferozepur.**

Present: Shri Bikramjit Singh, Ld. APP for the State.
Juvenile on bail represented by Sh. P.P. Handa, Advocate.

JUDGMENT:-

The above named Juvenile has been sent up by the SHO of Police Station City Ferozepur to face Inquiry for offences under Sections 295, 324, 323, 341, 34 of Indian Penal Code.

2. The brief facts of the case of prosecution are that on 22.05.2018, MLR No. 259/RN/CHF/2018 of Jora Singh son of Rajinder Singh, MLR No. 260/RN/CHF/2018 of Kanwaljit Singh son of Rajinder Singh, residents of Village Kutbe Wala, P.S. Sadar, Ferozpeur, were received at Police Station and MHC handed over the same to ASI Tarlok Singh for further investigation. On this, ASI Tarlok Singh, along with HC

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Sharma Singh, were on private vehicle visited the Civil Hospital Ferozepur, where injured Jora Singh and Kanwaljit Singh were present on their beds and were conscious and were also talking with their relatives. Then Jora Singh got recorded his statement that he and his younger brother Kanwaljit Singh study in Arjun Jyoti School and his father Rajinder Singh is an agriculturist. On 22.05.2018, there went to school for study in routine matter. At about 10:30 AM, he went to the office of his school for deposit the school fee and when he returned back after depositing the fees, then xxxxxxxx xxxxxxxx son of Prem Pal Handa, resident of Sai Vihar, Icche Wala, Ferozepur, was sitting on his seat. xxxxxxxx xxxxxxxx refused to leave his seat, due to this, they quarreled with each other. xxxxxxxx xxxxxxxx took out a knife from his bag and tried to kill him, but the boys of his class caught him. After some time, xxxxxxxx xxxxxxxx took leave from the school and went to his house and at about 11:30 AM, school closed. When he was going to his house, then xxxxxxxx xxxxxxxx and 5-6 unknown boys stopped him. xxxxxxxx xxxxxxxx told them to teach him a lesson for making him leave the seat. Then xxxxxxxx xxxxxxxx gave a kapa blow, which hit on the backside of his head and other boys who came with him also gave a knife blow, which hit on his left elbow. He further stated that in the meantime, the other boys started beating him and also took his turban from his head and also caught from his hairs (Kais) and due to this his hairs (Kais) were also put out. He is an Amritdhari boy and they intentionally insulted him and also insulted his hair (Kais). He fell down and raised alarm Maarta Maarta. Then his brother Kanwaljit Singh came at the spot, who also

studying in +1 class in his school. Out of them, one unknown boy also gave a knife blow on his brother, which hit on his left hand, due to which, he received injuries on the fingers of his hand. Due to closing of his school and on hearing the rousal, all the students of the school gathered at the spot. On seeing this, all the boys ran away from the spot along with their respective weapons. At that time, his aunt Balvir Kaur came at the spot, who arranged the vehicle and got them admitted in Civil Hospital Ferozepur. The Doctor gave them first aid. The motive behind the occurrence is that xxxxxxxx xxxxxx used to take drugs in the school and he complained the school teacher and due to this reason, he along with 5-6 unknown boys stopped him and gave him beating. The statement was read over and explained to complainant and he put his signature in English on it in token of correctness, which was witnessed by Kanwaljeet Singh and attested by ASI Tarlok Singh. The Doctor mentioned total two injuries in the MLR of injured. Injury no. 1 was stated to be sharp and injury no. 2 was stated to be blunt. Injury no. 1 was kept under X-ray examination. In the MLR of injured Kanwaljeet Singh, Doctor mentioned only 1 injury, which was mentioned as sharp. On the statement of complainant and MLRs of Doctor, offences under Sections 323, 324, 341, 295, 148, 149 IPC are made out. The statement was sent through HC Sharma Singh to police station City, for registration of the FIR. On this, present FIR was registered. Spot inspection was conducted and Site plan was prepared separately. Statements of witnesses were recorded. On 22.06.2018, juvenile xxxxxxxx xxxxxx was joined into investigation as per the order of

learned Vacation Judge, Ferozepur, and released on bail. The Kappa iron used at the time of occurrence was also took into police possession vide separate memo. On interrogation of xxxxxxxxxx xxxxxx, he disclosed the name of Sukhbeer Singh alias Sukha and Surjeet Singh alias Kaka and they were nominated in the present case. On 04.07.2018, accused Sukhbeer Singh alias Sukha and Surjeet Singh alias Kaka were joined into investigation as per the order of the learned Vacation Judge, Ferozepur and thereafter, released on bail. Due to reason that there are three accused in the present case, offence under Section 148, 149 IPC were deleted and offence under Section 34 IPC was added. xxxxxxxx xxxxxx was declared juvenile, as per his date of birth 13.04.2001 mentioned on his Adhaar Card. After completion of investigation, kalandra against juvenile xxxxxxxxxx xxxxxxxx was prepared and presented before the Board.

3 Upon the presentation of Kalandra, copies of the same were supplied to the juvenile, free of cost.

4. On the basis of prima facie case, notice under sections **324, 341 IPC and Sections 323, 295 IPC read with section 34 IPC** was served upon the juvenile, to which he pleaded not guilty and claimed inquiry.

5. To prove its case, prosecution has examined PW-1 Parveen Kumar Sachdeva, PW-2 Dr. Ranjeet, PW-3 Jora Singh complainant, PW-4 Kamaljit Singh, PW-5 Balbir Kaur and PW6 ASI Tarlok Singh, investigating officer. Thereafter, Ld. APP for the State has closed the prosecution evidence.

6. Thereafter, statements of juvenile under section 313 Cr.P.C. was recorded, in which he was apprised of the entire incriminating evidence appearing against him, to which he pleaded innocence and has stated that he has been falsely implicated in this case. However, defence evidence was not opted by the juvenile.

7. Sh. Bikramjit Singh, Ld. APP for the State has argued that the prosecution has been able to prove its case through testimony of PW-6 ASI Tarlok Singh Investigating Officer. Although complainant/injured and eye witnesses have not supported the case of the prosecution, but otherwise, the same has been proved through testimony of above witness. Therefore, juveniles be held guilty.

8. On the other hand, Sh. P.P. Handa Advocate, Ld. counsel for juvenile has argued that that prosecution has not been able to prove its case, since complainant Jora Singh as PW-3, alleged eye witnesses PW-4 Kamaljit Singh and PW-5 Balvir Kaur have not supported the case of the prosecution and alleged occurrence has not been proved on record. Therefore, juveniles be acquitted.

9. To prove its case, prosecution has got examined **PW-1 Parveen Kumar Sachdeva**, has proved date of juvenile xxxxxxxx xxxxxxxx son of Prem Pal Handa as 13.04.2001 and proved letter issued by him as Ex.P1 and copy of admission form as Ex.P2. **PW-2 Dr. Ranjeet** has deposed that on 22.05.2018, he was posted as Medical Officer at Civil Hospital, Ferozsepur. On that day, patient Jora Singh son of Rajinder Singh was admitted to hospital with alleged history of assault as told by the

patient. Patient was co-operative, conscious, oriented to place, time and person and his vitals were stable. On examination, he found following injuries on his person that incised wound size 5 X 0.5 cm. Bleeding present, present in right parieto occipital region 11 cm from right mastoid bone. Advised X-ray. Tailing present on right side. Abrasion 3 X 01 cm present on the posterior aspect of left arm, lateral aspect, 6 cm from elbow joint, read in color. He further stated that injury no. 1 was kept under observation and injury no. 2 was declared simple in nature. Probable duration of injuries was within 1 to 6 hours. Kind of weapon was sharp for injury no. 1 and blunt for injury no. 2. He further deposed that on the same date, patient Kamaljeet Singh son of Rajinder Singh was admitted to hospital with alleged history of physical assault as told by the patient. Patient was cooperative, conscious, oriented to place, time and person. On examination, he found following injuries on his person that incised wound of size 2 X 0.1 cm present just above the index finger of left hand, tailing present on lateral end, bleeding present. Advised X-ray, superficial in nature. He further deposed that injury was kept under observation. Probation duration of injuries was within 1 to 6 hours. Kind of weapon was sharp for injury. He MLR of Jora Singh as Ex.P3, pictorial diagram as Ex.P4, copy of MLR of Kamaljeet Singh as Ex.P5 and pictorial diagram as Ex.P6. **PW-3 Jora Singh complainant/injured** has deposed that he and his younger brother were studying in Arun Jyoti School. On dated 22.05.2018, they both went to school and at about 10:30 A.M, he went to office of the school to deposit the fee. When he came back after depositing

the fee, Juvenile xxxxxxxx xxxxxxx was sitting on his seat. He told him to vacate the seat, but he denied to vacate the same, due to which there was exchange of words between them. But the matter was solved there only with the help of their colleague. Thereafter, xxxxxxxx xxxxxxx went back to home after seeking leave from the school and at about 11:30 A.M, he also left the school as the timings were over being Saturday. When he was going back to home at that time some unknown persons stopped him and caused injuries upon him. The juvenile present in the court never caused injuries upon him. **PW-4 Kamaljit Singh** has deposed that he and his elder brother were studying in Arun Jyoti School. On dated 22.05.2018 they both went to school and at about 10:30 A.M, his brother Jora Singh went to office of the school deposit the fee. When he came back after depositing the fee, Juvenile xxxxxxxx xxxxxxx was sitting on his seat. He told him to vacate the seat, but juvenile xxxxxxxx xxxxxxx denied to vacate the same, due to which there was exchange of words between them. But the matter was solved there only with the help of their colleague. Thereafter, xxxxxxxx xxxxxxx went back to home after seeking leave from the school and at about 11:30 A.M, they also left the school as the timings were over being Saturday. They were going to home at that time some unknown person stopped his brother and caused injuries upon him. The juvenile present in the court never caused injuries upon his brother. **PW-5 Balbir Kaur** has deposed that she does not remember the date when the incident took place. She went to Ferozepur for some work and when she reached near Arun Jyoti School, she saw that some unknown persons were causing

injuries upon his nephew Jora Singh and Kamaljit Singh. She does not identify the Juvenile present before the board. **PW-6 ASI Tarlok Singh** has deposed that on 22.05.2018, he was posted at P.S City Ferozepur and on that day MHC of the police station handed over him one MLR regarding Jora Singh son of Rajinder Singh and one MLR of Kamaljit Singh son of Rajinder Singh resident of village Kutbe wala, on which he along with HC Sharma Singh No. 910 went to Civil Hospital Ferozepur on private vehicle, where injured Jora Singh and Kamaljit Singh were present on their beds, then Jora Singh got recorded his statement Ex.P1, on which he conducted police proceedings Ex. PW6/A and sent the same through HC Sharma Singh, on the basis of which present FIR Ex. PW6/B was registered by ASI Major Singh, whose signature he identified. Then he along with police party reached at the spot of occurrence and prepared site plan Ex. PW6/C. Then on 22.06.2018, he joined into investigation Juvenile xxxxxxxx xxxxxx vide memo Ex. PW6/D. He further deposed that he produced before him Kapa used by Juvenile in the occurrence, which was taken into police possession by him vide memo Ex. PW6/E. He proved rough sketch of the Kapa as Ex.PW6/F, arrest memos of accused Sukhbir Singh and Surjit Singh as Ex. PW6/G and Ex.PW6/H, recovery memo of knife from accused Sukhvir Singh as Ex.PW6/I. He further deposed that he recorded statement of concerned witnesses. He proved kapa as MO1 and identified Juvenile present before the board.

10. The point of determination in present case is that:-

Whether on 22.05.2018, at about 10.30 AM, in the area of Arun

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Jyoti School, P.S. City Ferozepur, juvenile xxxxxxxx xxxxxx along with co-accused Sukhbeer Singh alias Sukha and Surjit Singh alias Kaka, sharing their common intention of caused injuries to complainant Jora Singh and wrongly confined him and removed his turban and pulled his hairs ?

11. The star witness of prosecution is PW-3 Jora Singh (complainant). This witness has not supported the case of the prosecution. He has specifically stated that there was exchange of words between him and Juvenile and the matter was solved there only with the help of their colleague. He further deposed that some unknown persons stopped him and caused injuries upon him. He also deposed that juvenile present before the board never caused injuries upon him. Similarly, PW-4 Kamaljit Singh and PW-5 Balbir Kaur have failed to depose anything against the juvenile. They were cross-examined by prosecution, after getting them declared as Hostile, but nothing adverse could be extracted from their cross-examination. PW-6 ASI Tarlok Singh is a formal witness in nature and he has only proved investigation of the present case and PW-2 Dr. Ranjeet has only proved injuries of complainant and injured. These witnesses have said nothing incriminating against the juvenile to connect him with the present case.

12. So, in view of resiled statements of complainant PW-3 Jora Singh, eye witnesses PW-4 Kamaljit Singh and PW-5 Balbir Kaur, prosecution has failed to establish the guilt of juvenile and there is no evidence on record to link present juvenile with alleged incident. All the other witnesses as cited in list of witnesses are formal witnesses

concerning the investigation of the case in hand and none of them is shown to be the witness of alleged incident, who might have established the identity of the juvenile. Accordingly, juvenile xxxxxxxxx xxxxx, facing inquiry before the board stands acquitted of the notice under sections **324, 341 IPC and Sections 323, 295 IPC read with section 34 IPC** served upon him, due to lack of evidence. His bail bonds and surety bonds stand discharged. Case property be disposed of under rules, after the expiry of period of appeal/revision, if any. File be consigned to Judicial Record Room, Ferozepur, after due compliance. -sd/-

Pronounced in open Court.

Dated: 07.09.2021

**-sd/-
Member**

(Anish Goyal)

**Principle Magistrate, JJB,
Ferozepur. (UID No.0320)**

**(Sumit Kumar)
Stenographer-II**

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PMJJB/ Ferozepur.**