

PBGDA10009502025



Presented on : 04-02-2025
Registered on : 04-02-2025
Decided on : 09-05-2025
Duration : 0 years, 3 months, 5 days

**In the Court of Ravipal Singh,
Sub-Divisional Judicial Magistrate, Batala.**

State

Versus

Shakti S/o Tilak Raj, R/o Kapuri Gate, Batala.

Accused

CHI/156/2025

FIR No.132 dated 06.12.2024
Under Section 174-A IPC
P.S. City, Batala

Present: Sh. Ravinder Singh, Ld. APP for the State.
Accused Shakti in custody (produced in Court) assisted by
Sh. Gaurav, Advocate (Free Legal Aid Counsel).

JUDGMENT

1. Accused was forwarded to this Court by SHO, Police Station City, Batala being booked for committing offence punishable under Sections 174-A of the Indian Penal Code (herein after called 'IPC').

2. FIR in this case was outcome of order dated 18.11.2024 passed by the Court of Sh. Raman Goklaney, Learned Judge of Special Court, Gurdaspur in case CIS No.NDPS-474-2019, which was received by SI Jaspal Singh on 06.12.2024.

Factually, the said Learned Court had issued proclamation of present accused Shakti on 25.09.2024 with direction to appear in the said Court on 18.11.2024. However, as despite effecting said proclamation on 09.10.2024, when accused did not appear before the said Court, accused was declared proclaimed offender and direction was given to register FIR under Section 174-A of IPC against the accused, which was registered and the present *lis* is offspring of the same.

3. As per further case of the prosecution, accused was arrested in FIR no.87 dated 22.06.2019 under Section 21, 22-61-85 of NDPS Act, PS City, Batala, who was as such arrested in this case on 06.12.2024 itself and he was joined in the investigation. Further, his relevant memos of arrest as well as intimation were prepared and he was produced in the Court. Challan/final report was prepared and presented against accused before the Court after completion of necessary formalities.

4. On appearance of accused in the Court, copy of Challan was supplied to him free of costs, as required under section 207 Cr.P.C.

5. Finding a prima facie case, under Section 174-A IPC/under Section 209 of BNS was framed against the accused, to which, accused pleaded not guilty and claimed trial. Thereafter, the case was fixed for prosecution evidence.

6. In order to establish its case, the prosecution has examined PW-1 Chandan Vishal, Criminal Ahlmad of the said Learned Court and PW2 ASI Jaspal Singh, Investigating Officer of this case. Thereafter, learned APP for the State close the prosecution evidence today.

7. Statement of accused under Section 313 Cr.P.C. was recorded.

8. Arguments are heard wherein, Ld. APP for the State vehemently argued that accused Shakti absented himself before the said learned Court, who did not appear there despite his proclamation was effected for appearance on 18.11.2024 and as such, he was declared proclaimed offender, who committed offence under Section 174-A of IPC. Submitting further that PW-1 and PW-2 have proved guilt of accused beyond shadow of reasonable doubt, a prayer was made to convict him.

9. Per contra, Ld. Defence counsel for accused opposed all these arguments while arguing that the accused was falsely implicated in this case as he did not commit any offence, who was rather suffering from family problem, who could not appear without intention to absent himself and prayer was made to acquit the accused.

10. The Court has considered rival arguments and judicial file is perused. As per prosecution case, despite the proclamation of accused was effected as aforementioned, he intentionally did not appear before the said Learned Special Court on 18.11.2024, whereas accused is alleging his such non-appearance not intentional, but due to some family problem. Yet, considering the nature of evidence led by prosecution and silence and failure of accused to bring anything in support of his plea of un-intentional non-appearance despite proclamation, as aforementioned has proved the guilt of accused for committing offence punishable under section 174-A IPC and how this Court has come to this conclusion is discussed in upcoming paragraphs of this judgment.

11. To prove its case, prosecution has examined SI Jaspal Singh, Investigating officer of the present case, who has appeared as PW-2 that he has proved the manner in which, present accused was arrested on 06.12.2024 has proved documents prepared during investigation i.e. P.O order dated 18.11.2024 Ex.P1, ruqa Ex.P2, FIR Ex.P3, endorsement on ruqa Ex.P4, arrest memo Ex.P5 and personal search memo Ex.P6. At the same time, despite opportunity was given to accused for cross-examination of witness, but it was not done and was recorded as NIL despite opportunity given, it means, PW-1 stated was true.

12. At the same time, PW-1 Chandan Vishal, Criminal Ahlmad of that Learned Court, has deposed and who has proved on record documents i.e. PO order dated 18.11.2024 in FIR No.87/2019 passed by the Court of Sh. Raman Goklaney, Ld. Special Court, Gurdaspur. There in nothing in his cross-examination so as to consider his examination in chief version to be false or wrong.

13. So, this was the whole evidence of prosecution and it is clear from its appraisal made above that present accused Shakti committed the offence punishable under Section 174-A IPC. Hence, he is convicted thereunder and let he be heard on quantum of sentence.

Pronounced in open Court:

Dated: 09.05.2025

Nitesh Kumar/Steno-II

(Ravipal Singh)
Sub Divisional Judicial Magistrate,
Batala.(UID PB-0410)

(Directly Dictated)

Quantum of Sentence:-

Present: Sh. Ravinder Singh, Ld. APP for the State.
Convict Shakti in custody.

14. Plea of convict was considered, who submitted that he was poor person and prayed for not committing such mistake in future. His plea was not controverted by learned APP for the State. This Court is of the view that instead of sending the accused to suffer more incarceration i.e. instead of sentencing him for further imprisonment, he be given an opportunity to refine and improve himself. As such, the convict is sentenced to the period already undergone by the convict i.e. period of 5 months and 3 days during investigation and trial. Case property, if any, be disposed of as per rules after expiry of period of appeal or revision, if any. File be consigned to the Record Room, Batala.

Pronounced in open Court:

Dated: 09.05.2025

Nitesh Kumar/Steno-II

(Ravipal Singh)

**Sub Divisional Judicial Magistrate,
Batala.(UID PB-0410)**

(Directly Dictated)

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Present: Sh. Ravinder Singh, Ld. APP for the State.
Accused Shakti in custody (produced in Court) assisted by
Sh. Gaurav, Advocate (Free Legal Aid Counsel).

Accused Shakti has been produced by the Jail Authority. Today, PW-2
ASI Jaspal Singh is present and examined. Further, Ld. APP for the State closed
the prosecution evidence vide separate statement. Statement of accused U/s 313
Cr.P.C was recorded, who opted to not to lead defence evidence.

Heard. Vide separate judgment of even date, accused Shakti was
convicted under section 174-A IPC as per details enumerated therein and was
released on probation. Case property, if any, be disposed off/dealt after expiry of
period of appeal, if any. Applications pending, if any, are disposed off being not
pressed. File be consigned to the judicial record-room, Batala.

Pronounced in open Court:

Dated: 09.05.2025

Nitesh Kumar/Steno-II

(Ravipal Singh)
Sub Divisional Judicial Magistrate,
Batala.(UID PB-0410)