

In the Court of Vishal Bhamnotra, Additional Chief Judicial Magistrate, Court no.1, Hamirpur, H.P.

State Vs. Subhash Chand (Reg No. 191 of 2023)

committal
06.06.2024

Present: Ms. Vishal Deepak Ld. APP for State.

Accused Subhash Chand present with Shri Agastya Thakur, Advocate.

Copy of challan alongwith another documents supplied to the accused in compliance of Section 207 of Cr.P.C.. Statement to that effect already recorded and placed on record.

Accused vide separate statement has stated no objection to the copies of challan and other documents supplied. Statement is duly identified by Id. legal defence counsel.

Head.

Brief facts of the case are as follows:

That on 25.06.2022 between 10 P.M. to 2.40 A.M, complainant Sanjeev Kumar son of Shri Sukh Ram after having meal was sitting in a "Tiala" at temple near Village Gahlian alongwith Subhash Chand son of Birbal Dass. Subhash Chand told him that he will cut "Bual" tree from his land and will construct a toilet. Upon this he denied for the same. Upon which Subhash Chand started abusing him in filthy language and slapped him. Subhash's son Jawala Prashad came there while abusing who was holding an iron angle and he gave a blow of iron angle on his back. When he tried to rescue from the spot, then Subhash Chand and Jawala Parshad stopped him and started beating him and Jawala Parshad attached on him with iron angle whereas Subhash Chand

started beating him with kick and fist blows. Upon hearing alarm, his wife Arti Devi also came to the spot and tried to rescue. Due to

intervention of the family accused left the spot however while leaving the spot, accused abused him in filthy language and threatened to do away with his life. The matter was reported to the police vide statement under Section 154 of Cr.P.C. on the basis of which FIR was registered and endorsement was put on the statement. Relevant rapat No. 71 dated 25.6.2022, rapat No. 005 dated 26.06.2022, rapat No. 035 dated 01.07.2022, rapat No. 051, dated 01.07.2022, rapat No.028 dated 30.09.2022, rapat No.027 dated 03.08.2022 and rapat No.19 dated 10.08.2022 also placed on filed. During the course of investigation, police visited the spot and prepared spot map. Vide seizure memo, Police has also took into possession one iron rod and two pieces of vests. Police has prepared sketch of iron rod. The recovered articles were sealed into cloth parcel and sealed with seal impression "R" and specimen of seal was taken on separate piece of cloth. During further investigation, police has obtained 10th Certificate of Jawala Parshad as well as his Adhar Card. The copy of 10th Certificate of Jawala Parashad (Child in conflict with law) and Adhar Card also placed on record. Police also clicked photographs and placed the same on record. During the course of investigation, vide separate application, police carried out medical examination of Sanjeev Kumar at Dr. RKGMC Hamirpur and and obtained his MLC, X-ray form, ultrasound and X-ray film. Vide separate application to Medical Officer Dr. RKGMC Hamirpur, Police has obtained information regarding weapon of offence on the injuries. Vide separate application to Medical Officer Dr. RKGMC, police has also obtained opinion on injuries. Vide application to Medical Officer Dr. RKGMC, police has sought Treatment Summary and obtained the same on record. Vide separate application to Medical Officer police

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has obtained opinion whether the injury was life threatening or not. The preserved sample were sent to RFSL Mandi and report was obtained. Vide separate application to Pradhan Gram Panchayat Dharog, Police has obtained Birth Certificate of Child in conflict with law(CICL) and placed the same on record. The relevant Road Certificate and abstract of Malkanan register are also placed on record. Relevant Certificate under Section 65-B of Indian Evidence Act regarding photographs, FIR and Rapat are also placed on record. Police has also recorded the statements of witnesses under Section 161 Cr.P.C. On the basis of opinion of Doctor dated 3.12.2022, Section 307 of Indian Penal Code was inserted.

Thereafter, challan was prepared and presented before the court on 26.06.2022.

In the present case FIR, the offence under Section 307 of IPC alleged to have committed by the accused person is triable exclusively by the Court of Ld. Sessions Judge. Thus, the present case FIR is committed to the Court of Ld. Sessions Judge, Hamirpur, H.P. Criminal Ahlmad is directed to ensure that file is indexed properly.

Since challan has been committed to Court of Learned Sessions, Accused, who is on bail and present in person with his counsel, is directed to appear before Worthy Sessions Judge, Hamirpur, on **28.06.2024** for further necessary

orders. The Ld. Public Prosecutor be notified regarding the commitment. Let file after due completion, be submitted to the Court of Worthy Special Judge, Hamirpur, Distt. Hamirpur, forthwith.

Announced

06.06.2024

(Vishal Bhamnotra)
Addl. Chief Judicial Magistrate,
Court No.1, Hamirpur, H.P.