

HRRE030031132024



Presented on : 18-04-2024

Registered on : 18-04-2024

Decided on : 09-07-2026

Duration : 2 years, 2 months, 21 days

**IN THE COURT OF
Judicial Magistrate - Ist Class At Rewari, Rewari
(Presided Over by Anil HCS (J))**

CHI/484/2024

State	Versus	Sudhir son of Shrichand resident of Village Chhuriyawas, Model Town, Rewari.
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...Accused

FIR No. 130 dated 29.03.2024
Under Sections: 283, 341 of
IPC
Police Station: Model Town,
Rewari

Present: Ld. APP for the State.
Accused Sudhir on bail present today with
Sh. Biren Kumar Yadav, Advocate.

JUDGMENT:-

The above-named accused has been sent
to face the trial by the SHO police station Model
Town, Rewari under Section 283, and 341 of
Indian Penal Code (IPC).

Prosecution case:-

2. The case of the prosecution was initiated on the information of one Lala Ram S/o Ramji Lal. As per the information, on 29.03.2024, the way leading to the house of formant was blocked by the accused by dumping debris on the way.

Investigation:-

3. On the basis of this information, FIR was registered. The investigation was conducted by Head Constable Naveen Kumar. During the investigation site plan of the occurrence site was prepared and statement of witnesses were recorded. The photographs of the occurrence spot were captured and got printed. After completion of the investigation, challan was prepared and submitted before the court.

Charge:-

4. Upon finding a prima facie case, and after complying with the requirement of section 207 of CRPC, the accused was charged under Section 283 and 341 of the Indian Penal Code on

19.09.2024. Accused was released on bail vide court order dated 18.04.2024.

Prosecution evidence:-

5. In order to prove its case, the prosecution examined **five witnesses**.

5.1 PW1 HC Charan Singh deposed that on 03.04.2024, he was posted on general duty at Police Station Model Town, Rewari. On that day, the accused (present in Court) was arrested by the Investigating Officer vide arrest memo Ex.PW1/A. He further proved document Ex.PW1/B.

5.2 In his cross-examination, he admitted the suggestion that he did not investigate the case. He further denied the suggestion that Ex.PW1/A and Ex.PW1/B were prepared on false facts.

5.3 PW2 HC Naveen Kumar deposed that on 29.03.2024, he was posted at Police Station Model Town, Rewari, as the Investigating Officer. On that day, the complainant submitted a complaint, on the basis of which FIR No.

130/2024 was registered. He further deposed that he prepared the site plan of the place of occurrence and captured photographs of the debris dumped on the public way using a private mobile phone. He further deposed that a notice under Section 41A Cr.P.C. was served upon the accused Sudhir on 30.03.2024. The accused joined the investigation on 03.04.2024. He further deposed that the accused admitted his guilt. He further proved the tehrir Ex.PW2/A, the site plan Ex.PW2/B, and photographs Ex.P1 and Ex.P2.

5.4 In his cross-examination, he submitted that he received information regarding the complaint from the MHC at 9:30 AM. He further submitted that he did not remember the time at which he reached the spot. He admitted the suggestion that upon reaching the spot, he did not verify the ownership of the disputed property from the record. He further admitted that the signatures of the complainant or any witness are not present on the site plan Ex.PW2/B. He also

admitted that no specific date is mentioned in photographs Ex.P1 and Ex.P2. He further submitted that the photographs were attested with a pen and were got printed from a laboratory near HDFC Bank. He further admitted that no receipt of the laboratory is available on the file. He also admitted that photographs Ex.P1 and Ex.P2 do not mention the location of the place. He denied the suggestion that he did not prepare the site plan at the spot. He further denied the suggestion that he did not capture the photographs at the spot. He submitted that the accused and the complainant are uncle and nephew and have joint property regarding which a case is pending before the Civil Court.

5.5 PW3 Retired ASI Jitender Singh

deposed that on 29.03.2024, he was posted as Duty Officer at Police Station Model Town, Rewari. He further deposed that the FIR was registered by him. He proved FIR Ex.PW3/A and endorsement Ex.PW3/B.

5.6 In his cross-examination, he denied the

suggestion that the FIR is ante-timed and ante-dated.

5.7 PW4 Lala Ram deposed that on 29.03.2024, between 7:00 AM and 7:30 AM, a group of ten men with a history of unruly behaviour blocked the path used by him to access his house by dumping a load of debris there. He further deposed that he called Police Helpline No. 112 for assistance. A PCR vehicle arrived at the spot after about one hour. Upon assessing the situation, the police advised him to lodge a formal complaint, and accordingly, he went to the police station.

5.8 In his cross-examination, he submitted that the accused is his nephew. He admitted that there is joint agricultural land between him and the accused. He further submitted that a partition dispute is pending between them. He admitted that the details of the property are not mentioned in complaint Ex.PW4/A. He voluntarily stated that the plot numbers are 127 and 128. He further admitted that the complaint does not mention the

call made to Police Helpline No. 112. He also admitted that the complaint does not mention that the accused had called ten persons with a criminal bent of mind. He stated that the debris is still lying at the spot. He admitted that he did not make any video of the dumping of the debris. He further stated that the police took photographs, though he could not say who clicked them. He submitted that five police officials were present at the spot. He admitted that a land dispute with the accused is pending. He further stated that Plot Nos. 127 and 128 are adjacent to each other. He admitted that the complaint mentions an old haveli, which is joint property. He denied the suggestion that he lodged a false case against the accused with a malicious intention to pressurize him in the land dispute. He further stated that the path leading to his house was constructed on 19.02.2004 by the Sarpanch of Suraj Bhan Gram Panchayat with mutual consent. He admitted that his statement does not mention any document regarding the construction of the path, nor is the

same mentioned in complaint Ex.PW4/A. He further admitted that no document regarding the path was supplied to the police during the investigation. He stated that the police never asked him to produce such documents. He further submitted that about 30-40 villagers had gathered at the spot after the incident. He also submitted that the police neither recorded the statement of any person in his presence nor joined any of the gathered persons as witnesses. He admitted that Mukesh, the Sarpanch's representative mentioned in the complaint, was not made a witness. He further submitted that he did not know whether any of the gathered persons took photographs or not. He denied the suggestion that the accused had filed a complaint against him in the village alleging that he was trying to encroach upon more than his share of the joint property and that, out of revenge, he lodged the present FIR. He admitted that his nephew (*bhanja*) is an IPS officer. He further admitted that the fact regarding the pending land dispute before the

Civil Court is mentioned in the complaint. He also admitted that Plot No. 128, which is jointly owned by him, Ved Prakash and Lala Ram, contains the path which serves as the sole access to his house.

5.9 PW5 SHO Krishan Kumar deposed that on 11.04.2024, he was posted as SHO at Police Station Model Town, Rewari. He further deposed that the challan was prepared by him.

5.10 In his cross-examination, he denied the suggestion that the challan was prepared without verifying the facts.

5.11 The learned APP closed the prosecution evidence on 05.06.2026.

Statement under Section 313 Cr.P.C.:-

6. Thereafter, the statement of the accused under Section 313 Cr.P.C. was recorded on 02.07.2026, and all the incriminating evidence appearing against him was put to him. He stated that the present case is false and that he is innocent.

Defence Evidence:-

7. No defence evidence was produced on the behalf of accused. Vide separate statement, the Ld. Counsel for the accused closed the defence evidence on 09.07.2026.

Arguments:-

8. Learned APP for the State argued that the prosecution has successfully established the guilt of the accused beyond reasonable doubt. It was submitted that the testimony of the complainant PW4 is natural, consistent and inspires confidence. PW4 has categorically deposed that the accused blocked the only passage leading to his house by dumping debris, thereby causing obstruction to the public way as well as wrongful restraint.

9. It was further argued that the testimony of PW4 stands corroborated by PW2 HC Naveen Kumar, the Investigating Officer, who immediately visited the spot, prepared the site plan and captured photographs of the debris lying on the passage. The FIR was promptly registered on the complaint of PW4 and there is no material

delay which could create suspicion regarding the prosecution story.

10. It was further contended that merely because the complainant and the accused are related and a civil dispute regarding the property is pending between them, the entire prosecution case cannot be discarded. A civil dispute does not grant any person the right to obstruct an existing passage or restrain another person from using the same. It was argued that civil and criminal remedies can proceed simultaneously when the ingredients of the criminal offence are made out.

11. Learned APP further argued that non-examination of independent witnesses is not fatal where the testimony of the complainant is trustworthy. It was submitted that there is no rule of law requiring a particular number of witnesses to prove a fact. The official witnesses have supported the prosecution case and there is no reason to disbelieve them merely because they are police officials.

12. Learned counsel for the accused argued

that no record has been produced before the Court to establish that the complainant had made a call to Police Helpline No. 112. He further argued that no independent witness was joined during the investigation. It was further argued that, as per the cross-examination of PW4, around 30–40 persons were present at the spot after the occurrence, yet none of them was joined as a witness by the police. He further argued that no videography of the spot was conducted. It was also argued that the allegation regarding ten persons having been called by the accused does not find mention in the complaint. Lastly, it was argued that, as admitted by PW2 in his cross-examination, the photographs do not bear the date, time, or location of the place, thereby rendering them unreliable.

Findings:-

13. Two things i.e. factum of obstruction and accused caused obstruction has to be proved by the prosecution.

14. In order to prove the case, prosecution has to prove that the path was obstructed by the accused. The prosecution placed reliance on the testimony of PW2 and Ex.P-1 and Ex.P-2. The photographs Ex.P1 and Ex.P2 and testimony of PW2 proved that debris was lying on the alleged passage and, therefore, the factum of obstruction stands proved.

15. However, the prosecution has failed to prove beyond reasonable doubt that it was the accused who caused the said obstruction. PW4 admitted that he did not capture any video of the alleged act, and no independent eyewitness has been examined to establish that the accused dumped the debris. Reliance can-not be placed solely on the testimony of PW4. It is an admitted case that the complainant and the accused are closely related and are involved in pending civil litigation regarding the property. In such circumstances, it would not be safe to place the conviction solely upon the uncorroborated testimony of PW4.

16. The investigation also suffers from lacunae. PW4 himself deposed that about 30–40 villagers had gathered at the spot after the occurrence. Despite the availability of independent witnesses, the Investigating Officer neither associated any independent witness during the investigation nor cited any such witness during the trial. No satisfactory explanation has been furnished for this omission. The failure to join independent witnesses, particularly in the facts and circumstances of the present case, casts a serious doubt on the prosecution version.

17. In view of the aforesaid discussion, this Court is of the considered opinion that the prosecution has failed to establish the guilt of the accused beyond reasonable doubt. Hence the accused person Sudhir is acquitted of the charge under Section 283 and 341 of IPC. His previous bail bonds and surety bond stand if any, discharged. Case property if any, be disposed of as per rules. File be consigned to record room

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State Vs. Sudhir

CIS No. CHI/484/2024

CNR No. HRRE03-003113-2024

after due compliance.

Pronounced in open Court,
Dated: 09.07.2026

Anil
JMIC, Rewari
(UID HR-0785)

Note: This order contains **15** pages and all pages are checked and signed by me.

Ritu Rani

(Anil)
JMIC, Rewari
(UID HR-0785)

Anil,
JMIC, Rewari 09.07.2026
UID No. HR-0785

Present : Ld. APP for the State.

Accused Sudhir on bail present today with
Sh. Biren Kumar Yadav, Advocate.

Today the case was fixed for defence
evidence.

Accused closed the defence evidence
vide his separate statement. Thereafter, the
counsel presented his argument in this matter.
Arguments heard.

Vide separate judgment of even date,
accused has been **acquitted** of charges leveled
against him. The bail bonds and surety bonds of
the accused is discharged. Case property if any,
be disposed of as per rules. File be consigned to
the record room after due compliance.

Pronounced in open Court,
Dated: 09.07.2026

(Anil)
JMIC, Rewari
(UID HR-0785)