

HRREB200013662019



Presented on : 18-11-2019
Registered on : 18-11-2019
Decided on : 04-07-2026
Duration : 7 years, 4 months, 07 days

**IN THE COURT OF
Sub Divisional Judicial Magistrate
at Bawal, Rewari
(Presided Over by Alok Anand)
CHI-306/2019**

Complainant : State through complainant Satish Kumar
Accused : Sandeep S/o Jage Ram, R/o Village Khijuri
P.S.Bawal District Rewari.

FIR No. : 231 Dated 22.09.2019
Under Sections : 279, 304A of IPC
Police Station : Bawal.

ARGUED BY :

FOR STATE : Ms. Abhilasha, Assistant Public Prosecutor
FOR ACCUSED : Sh. Nitin Kaushik advocate (on bail)

TIME-LINE OF TRIAL

DATE OF FIR : 22.09.2019
DATE OF CHARGE-SHEET : 18.11.2019
DATE OF FRAMING OF CHARGES : 10.02.2021
DATE OF COMMENCEMENT OF EVIDENCE : 08.07.2021
DATE ON WHICH JUDGMENT IS RESERVED : 04.07.2026
DATE OF JUDGMENT : 04.07.2026
DECISION : Acquittal

JUDGMENT:

The accused above named have been sent by SHO of Police station Bawal, Rewari to face trial under section 279, 337, 338 of Indian Penal Code.

PROSECUTION STORY

02. The present FIR is registered on the complaint of Satish in which he submitted that on 22.09.2019 at about 07:30/08:00 PM he was going towards Baba Bhaiya in his car bearing number *HR-24-U-1375*. When he reached near Baba Bhaiya mor, he saw that a tractor bearing number *HR-81-A-6079* came there and he was driving the same at high speed and in rash and negligent manner and directly hit to a person. Driver stopped his vehicle and he found that he was Sandeep s/o Jage Ram. He (*complainant*) took injured person for hospital and then he (*victim*) disclosed his named as Manish. He reached in Government Hospital but Manish succumbed with injury. At last he moved present complaint to take action against driver of the vehicle. On the application of complainant, FIR was registered. Investigating officer visited the place of occurrence and prepared the site plan. Accused was arrested and statement of witnesses were recorded. On completion of all formalities of investigation, final report under Section 173 Code of Criminal procedure¹ was prepared by the SHO and forwarded to the Court.

CHARGE

¹ Hereinafter be called "Cr.P.C."

03. Copy of final report and other documents have been supplied to the accused free of costs as envisaged under Section 207 Cr.P.C. After taking cognizance of the offence, accused was charge sheeted under section 279, 304-A of Indian Penal Code² to which he pleaded not guilty and claimed trial.

PROSECUTION EVIDENCE

SERIAL NUMBER	NAME	ROLE	DOCUMENTS
PW-1	ASI Govind	Investigating officer	Ex.PW1/A Statement of Satish Ex.PW1/B Endorsement Ex.PW1/C Rough Site Map Ex.PW1/D Notice under Motor Vehicle Act Ex.PW1/E Seizure memo Ex.PW1/F Search memo
PW-2	Ct. Sandeep	Attesting witness	Ex.PW1/E Seizure memo Ex.PW1/F Search memo
PW-3	Manphool Singh	Dead Body identification	Ex.PW3/A report
PW-4	Satish	Complainant	Ex.PW4/A Complaint
PW-5	Vikram	Dead Body identification	
PW-7 (Inadvertently mention as PW-7)	Ct. Sandeep	Attesting witness	Ex.PW7/1 Search memo Ex.PW1/E Seizure memo
PW-8	Balwan	Owner of offending	

2 Hereinafter be called “IPC”

		vehicle	
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Thereafter, evidence of prosecution was closed vide separate statement.

STATEMENT OF ACCUSED

04. Statement of accused under Section 313 of Cr.P.C./351 of Bhartiya Nagrik Suraksha Sanhita was recorded in which entire incriminating material came in prosecution evidence was put to accused to which he denied all the allegations and pleaded that he has been implicated in a false case. Accused opted to lead evidence in defence but does not lead any evidence despite ample opportunity. Accused closed his defence evidence, vide separate statement.

DISCUSSION & FINDINGS

05. I have heard learned Assistant Public Prosecutor and learned counsel for accused and perused the case file carefully and minutely.

05.1 Learned Assistant Public Prosecutor has argued that from the evidence available on the record oral as well as documentary, case of prosecution is fully proved that accused has committed an offence under Section 279, 304-A of IPC and therefore, accused is liable to be convicted accordingly.

05.2 Learned counsel for accused has argued that accused did not commit any offence and he was falsely implicated in the present FIR. Complainant and other witness did not supported the prosecution and even there are no material to prove identity of accused as a driver of offending vehicle. No TIP was ever conducted, during investigation, for

identification of accused as driver and at last, he prayed for acquittal of accused.

06. The present FIR is registered on the complaint of Satish in which he claimed that accused being driver of offending vehicle drove the same in rash and negligent manner and caused death of victim and thereby committed the offence which is punishable under sections 279, 304-A of Indian Penal Code. Now, burden of proof lies upon prosecution to prove alleged averments against accused beyond all reasonable doubt.

07. Present FIR is registered on the complaint of Satish on the allegations of causing death of Manish in rash and negligent driving. In complaint, complainant has mentioned about name and registration number of offending vehicle.

07.1 Complainant appeared in the witness box as PW-4 but he did not supported the prosecution. In his evidence he did not deposed anything against accused present in the Court and even did not identify the same as driver of offending vehicle. He deposed that he has no knowledge who had committed the accident and shows his ignorance about identity of accused present in the court. Learned Assistant Public Prosecutor conducted cross-examination of said witness but nothing fruitful came out which could help the prosecution.

07.2 In the same way, Balwan (*owner of offending vehicle*) appeared as PW-8 but he did not deposed anything against accused. Learned Assistant Public Prosecutor conducted their cross-examination but nothing fruitful came out which could help the prosecution.

07.3 Prosecution examined ASI Govind being investigating officer of this case and deposed about arrest of the accused. In his evidence he did not deposed about TIP was ever conducted for identification of accused. Even there are no material on the file to say during investigation TIP was ever conducted for identification of accused. Hence mere arrest is not sufficient to prove guilt of the accused beyond all reasonable doubt when there are no material on the case file to prove even identification of accused as driver of offending vehicle. Hence story of prosecution is doubtful and failed to prove their case against accused beyond all reasonable doubt. There is nothing in the case file which can connect the accused present in court with the offence alleged.

08. This Court would like to draw support from the judgment given by a Division Bench of the Hon'ble Punjab and Haryana High Court entitled as *State of Haryana v/s Shamsher Singh*³ wherein, it was held that in a criminal trial the prosecution is cast with a very serious duty to bring on record quality evidence in order to substantiate its allegation against an accused person. It cannot seek conviction of any person without bringing

3 2006 (3) RCR (Criminal) 345

substantial evidence on record as it becomes extremely difficult for the Court to pronounce a person guilty in absence of fool-proof evidence nailing guilt by the accused person.

09. Judging from all angles, there is nothing in the case file, which can connect the accused present in the court with the offence, alleged. Therefore, in my considered opinion, the prosecution has miserably failed to prove its case against the above named accused. ***Consequently, accused is hereby acquitted of the charges levelled against him.*** Bail bonds and surety bonds are discharged. The case property be dealt with as per rules, after awaiting the result of appeal/revision, if any. File be consigned to the record-room, after due compliance.

Pronounced in open court :

Dated : July 04th, 2026

Alok Anand, HCS
Sub Divisional Judicial Magistrate
Bawal, UID No. HR-0396

Note : This judgment contains seven pages **(07)** and all the pages have been signed by me.

Alok Anand, HCS
Sub Divisional Judicial Magistrate
Bawal, UID No. HR-0396