

**In the Court of Dr. Hakikat Dhanda, Chief Judicial Magistrate,
Kangra at Dharamshala, District Kangra, H.P.**

CIS CNR No. : HPKA02-004337-2020
 CIS Case Type : Police Challan
 CIS Registration No: 94/2021
 CIS Case Year : 21.11.2020
 Cr. Case RBT No. : 183-II/23/2021
 Date of Decision : 20.07.2026

**Police Challan for Commission of Offences
Punishable under Sections 323 & 325 read
with Section 34 of the Indian Penal Code.**

Complainant	State of Himachal Pradesh.
Represented by	Sh. Gaurav Keshav, Ld. A.P.P.
Accused	1. Munshi Ram S/o Sh. Doom Singh, R/o Village Challa, P.O. & Tehsil Harchakkian, District Kangra, H.P. 2. Vishal Kumar @ Ishu S/o Sh. Karan Singh, R/o Village Challa, P.O. & Tehsil Harchakkian, District Kangra, H.P.
Represented by	Smt. Shail Bharti, Advocate.

J U D G M E N T:

SHO, Police Station, Shahpur, District Kangra, H.P. has filed this *challan* in case F.I.R. No.159/2020, dated 14.10.2020, against accused persons for commission of offences punishable under Sections 323 and 325 read with Section 34 of the Indian Penal Code, 1860 (Act No.45 of 1860) (hereinafter to be referred as 'the IPC' for the sake of brevity).

2. It is the case of prosecution that on 12.10.2020, complainant/PW1 Sh. Ajay Kumar reported the matter to police of P.S. Shahpur vide written complaint Ex.PW1/A stating therein that on 11.10.2020 while he was going back to his home on his scooty after closing his shop, accused No.1 was strolling his dog. Since, dog of accused No.1 attacked him, he asked accused No.1 to keep his dog tied. On this, according to complainant, accused No.1 started causing beatings to him. At the same time, accused

No.2 who is grandson of accused No.1 came on the spot having *darat* in his hand. Complainant somehow reached to his home. With this version, it was prayed that a legal action may be taken against accused persons.

3. Thereupon, medical examination of complainant was got conducted at Civil Hospital, Shahpur, vide application Ex.P1/PW5 and his MLC Ex.P2/PW5 was obtained. Medical Officer vide her opinion Ex.P4/PW5 opined the injuries sustained by complainant to be of simple as well as grievous in nature.

4. Thereupon, an FIR Ex.P1/PW7 was registered against accused persons. An endorsement Ex.P2/PW7 was made on complaint Ex.PW1/A in this regard.

5. During investigation of the case, spot map Ex.P1/PW8 was prepared by Investigating Officer. Complainant/PW1 Sh. Ajay Kumar produced his shirt Ex.P2 and pant Ex.P3 before I.O. which were sealed in a parcel Ex.P1 with three seals having impression 'B'. Sample seals were taken in separate piece of cloth Ex.P2/PW8. The same were seized vide seizure memo Ex.PW1/B in presence of PW2 Sh. Om Parkash and one Sh. Kripal Singh. Statements of witnesses under Section 161 Cr.P.C. were also recorded by investigating officer during investigation of the case.

6. After completion of investigation, finding that there are sufficient material against accused persons for commission of offences punishable under Sections 323 and 325 read with Section 34 of the I.P.C. S.H.O. Police Station, Shahpur has presented the *challan* in the Court under Section 173(2) of Cr.P.C. on 21.11.2020.

7. After going through the police *challan* as well as other documents, this Court, on finding sufficient grounds to proceed against accused persons for commission of offences punishable under Sections 323 and 325 read with Section 34 of the I.P.C., took cognizance on 08.04.2021. Notices were issued to accused

persons who appeared before the Court on 15.07.2022 and copies of *challan* and other documents were supplied to them on the same day in compliance of provisions of Section 207 of Cr.P.C.

8. Charges for commission of offences punishable under Sections 323 and 325 read with Section 34 of the I.P.C. were framed against accused persons on 03.08.2022. The same were read over and explained to them in Hindi, to which they pleaded not guilty and claimed trial.

9. Prosecution has examined as many as eight witnesses in support of its case. Substance of prosecution evidence was put to accused persons in detail and their statements under Section 313 Cr.P.C. were recorded on 26.05.2025, wherein they have denied the prosecution version. Accused persons were specifically asked that they have right to lead evidence in defence availing which opportunity accused persons have tendered documents Ex.D1 and Ex.D2 in their defence.

10. Following points arose for determination before this Court:-

1. Whether on 11.10.2020 at about 09:30 P.M. at place Challa, both the accused persons in furtherance of their common intention, voluntarily caused simple as well as grievous injuries to complainant/PW1 Sh. Ajay Kumar and have thus committed offences punishable under Sections 323 and 325 read with Section 34 of the I.P.C. as alleged?

2. Final Order.

11. For the reasons to be recorded hereinafter while discussing the above points for determination my findings on the same are as under:-

Point No.1 : No.

Final Order : Accused persons are acquitted as per operative part of this judgment.

REASONS FOR FINDINGS.

POINT NO.1:

12. It is the case of prosecution that on 11.10.2020 at about 09:30 P.M. at place Challa, both the accused persons, in furtherance of their common intention caused simple as well as grievous injuries to complainant. In support of its case, prosecution has examined eight witnesses including complainant Ajay Kumar as PW1. In his statement made before the Court, complainant has deposed that on 11.10.2020 at about 09:30 P.M. when he was coming back to his home on his scooty after closing his shop and reached near *bawri*/stepwell, both the accused persons were strolling their dog on the road. Accused No.2 was having a torch in his hand which he flashed on the face of complainant. On this complainant stopped his scooty and complained that their dog comes to bite him. On this, both the accused persons started quarreling with him. Accused No.2 gave him a fist blow on his face thereby causing injury on his nose. Thereafter, according to complainant, accused No.1 caught hold of him from neck and pushed him on the ground. Further, according to complainant, he somehow ran away from the spot in order to save himself.

13. Complainant has also proved on record his complaint Ex.PW1/A and his medical examination vide MLC Mark-Z. He has also deposed that he produced his shirt Ex.P2 and pant Ex.P3 before Investigating Officer which were seized vide seizure memo Ex.PW1/B.

14. PW3 Sh. Balbir Singh, has deposed that on 11.10.2020 at about 09:30 P.M. while he was coming back from

his cowshed to his home, complainant met him on the way in an injured condition who told him that a quarrel has taken place with accused No.1 as he asked accused No.1 to keep his dog tied and on this the quarrel has taken place. According to prosecution, complainant also narrated remaining occurrence to above said witness about accused No.1 flashing a torch in his eyes and thereafter, both the accused persons caused beatings to him. Since, the witness failed to corroborate above said prosecution version, he was declared hostile by the Court on the request of Id. APP appearing for the State and was subjected to cross-examination by him. However, the witness has denied the suggestions put to above effect in his cross-examination by Id. APP.

15. PW4 Smt. Usha Devi, wife of complainant, has deposed that on 10.10.2020 at about 10:30 P.M. mother of accused No.2 came to her and informed that a quarrel has taken place. On this, she reached on the spot and found that both the grandsons of accused No.1 were having *darat* in their hands. After sometime, according to PW4, her husband came home in an injured condition and told her that while he was coming back to home on his scooty and reached near *bawri*, dog belonging to accused persons attacked him and thereupon both the accused persons caused injuries to him. Thereafter, according to PW4, they went to hospital.

16. PW2 Sh. Om Parkash is a marginal witness to seizure memo Ex.PW1/B whereby blood stained clothes of complainant were seized by Investigating Officer during investigation of the case. Above said witness has duly corroborated the prosecution version in this regard in his statement made before the Court. PW7 ASI Yash Pal has proved on record copy of *rapat* Ex.P3/PW7, FIR Ex.P1/PW7 and endorsement on complaint about registration of FIR as Ex.P2/PW7.

17. PW6 Dr. Bali Ram Sonawane, Radiologist, has proved on record CT scan and X-ray reports Ex.P1/PW6 and Ex.P3/PW5. PW5 Dr. Sapna Dhiman, has proved on record MLC of complainant Ex.P2/PW5 wherein injuries sustained by victim are stated to be of simple as well as grievous in nature.

18. PW8 SI Raghuji Singh, who is Investigating Officer in the case has given detailed account of investigation carried out by him by deposing that during investigation of the case he prepared spot map Ex.P1/PW8 and seized clothes of complainant vide seizure memo Ex.PW1/B in presence of witnesses. Investigating Officer has also deposed about him recording statements of witnesses under Section 161 Cr.P.C. during investigation of the case.

19. During oral arguments learned APP appearing for State has submitted while emphasizing upon statements of prosecution witnesses that prosecution has proved its case beyond all reasonable shadow of doubts. On the other hand learned counsel appearing for accused persons has submitted that there are grave contradictions in the version given by complainant vide complaint Ex.PW1/A and in his statement made before the Court as also in the statements of prosecution witnesses *inter se* hence, accused persons are entitled to acquittal.

20. It is pertinent to mention here that a cross case vide police challan CIS No.185/2020 arising out of same occurrence has been registered against complainant which is being disposed of by way of separate judgment of even date passed in above said case.

21. As per complainant's initial version made vide complaint Ex.PW1/A, dog belonging to accused persons attacked him to which he complained and on this both the accused persons caused injuries to him. However, in his statement made before the

Court while appearing as PW1, complainant has come with a different version that accused No.2 was having a torch which he flashed on his face and on this he (complainant) stopped his scooty and complained to accused persons that their dog comes to attack him. Above version given by complainant is entirely different than the version made by him to police vide complaint Ex.PW1/A.

22. PW3 Sh. Balbir Singh to whom, according to prosecution, complainant narrated the matter soon after alleged occurrence, failed to corroborate the prosecution version whereas, statement of PW4 Smt. Usha Devi is hearsay in nature and the same is not covered under any of the exceptions wherein a hearsay statement is admissible in evidence.

23. During cross-examination of complainant, accused persons have come with a defence that it was complainant who caused beatings to accused No.1 and a case vide FIR No.156/2020 was registered against complainant in this regard. Complainant has admitted it to be correct in his cross-examination that a case was registered against him vide FIR No.156/2020. He has also admitted it to be correct that above said FIR was registered prior in time to the present complaint made by complainant. Accused persons have also tendered in evidence documents Ex.D1 and Ex.D2 being record of cross case registered against complainant on the basis of a complaint made by accused No.1. Complainant has stated in his complaint Ex.PW1/A that dog belonging to accused persons came to attack him whereas in his cross-examination, complainant has admitted it to be correct that accused No.1 was strolling his dog having tied it with a chain. Meaning thereby, the version of complainant that dog belonging to accused persons attacked him to which he complained and thereupon accused persons caused beatings to

him, also stands contradicted from above said version revealed from cross-examination of complainant.

24. As per record, accused No.1 was immediately taken to hospital after the occurrence whereas, complainant reached the police station on next day without any explanation of delay in reporting the matter. Moreover, there is no whisper of presence of accused No.2 on the spot in statement Ex.PW1/A and as such the version given by complainant in his statement made before the Court about presence of accused No.2 is certainly an after thought as complainant as well as accused No.1, both have sustained injuries and had accused No.2 being present on the spot, he would have also sustained some kind of injuries or at least bruises on his person. Thus, presence of accused No.2 on the spot is also not established from evidence on record. Above said evidence on record coupled with contradictions in the statement of complainant Ex.PW1/A *vis a vis* in his statement made before the Court raises a probable defence in favour of accused persons. Hence, it cannot be held that prosecution has proved necessary ingredients required for commission of offences punishable under Sections 323 & 325 of I.P.C. beyond all reasonable shadow of doubts. A benefit of doubt deserves to be extended to accused persons. Accordingly, point No.1 is answered in negative and decided against prosecution.

FINAL ORDER.

25. On the basis of observations made while deciding point No.1 above, both the accused persons are acquitted of charges for commission of offences punishable under Sections 323 and 325 read with Section 34 of the I.P.C. Their personal and surety bonds stand cancelled and discharged. Case property i.e. *shirt* Ex.P2 and *Pant* Ex.P3 seized vide memo Ex.PW1/B be returned to rightful owner after expiry of statutory period of filing of revision/appeal. In the event of revision/appeal, the same be dealt

with as per directions of Id. Appellate Court. Saza Slip complete in all respects be sent to concerned SHO. A copy of this judgment be also sent to District Magistrate, Kangra at Dharamshala under Section 365 of the Cr.P.C. File after due completion be consigned to record room.

Announced and signed today on this **20th day of July, 2026** in the Open Court.

(Dr. Hakikat Dhanda)
Chief Judicial Magistrate,
Kangra at Dharamshala.
HP01102

/suman/

FORM-'B'

Date of offence : 11.10.2020
 Date of FIR : 14.10.2020
 Date of charge-sheet : 21.11.2020
 Date of framing of charges : 03.08.2022
 Date of commencement of evidence. : 15.09.2022
 Date on which judgment is reserved : 06.07.2026
 Date of the judgment : 20.07.2026
 Date of the sentencing order, if any: ---

Accused Details :-

Rank of the accused : A1 & A2
 Name of accused : A1 Munshi Ram & A2 Vishal Kumar
 Date of arrest : 27.10.2020
 Date of release on bail : 27.10.2020
 Offences charged with : U/Ss 323 & 325
 r/s 34 of IPC
 Whether acquitted or convicted. : Acquitted.
 Sentence imposed : ---
 Period of detention undergone : ---
 during the trial for purpose of
 Section 428 of Cr.P.C.

Form 'C'**List of prosecution/defence/court witnesses.****A. Prosecution:**

<u>Rank</u>	<u>Name</u>	<u>Nature of evidence</u>
PW-1	Ajay Kumar	Complainant
PW-2	Om Parkash	Panch witness
PW-3	Balbir Singh	Link witness
PW-4	Usha Devi	Link witness
PW-5	Dr. Sapna Dhiman	About MLC

PW-6	Dr. Bali Ram	About X-ray
PW-7	ASI Yash Pal	Police witness
PW-8	SI Raghujit Singh	I.O./About investigation

B. Defence witnesses : Nil

Rank	Name	Nature of evidence
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C. Court witnesses, if any: NIL

Rank	Name	Nature of evidence
Nil	Nil	Nil

FORM-D

List of prosecution/ defence/court exhibits

A. Prosecution

Sr.No.	Exhibit Number	Description.
1.	Ex.PW1/A	Statement u/s 154 of Cr.P.C.
2.	Ex.PW1/B	Seizure memo
3.	Ex.P1/PW5	Application
4.	Ex.P2/PW5	MLC
5.	Ex.P3/PW5	Report
6.	Ex.P4/PW5	Opinion on report
7.	Ex.P1/PW8	MLC of complainant
8.	Ex.P1/PW6	Oinion w.r.t. X-ray of skull
9.	Ex.P1/PW7	FIR
10.	Ex.P2/PW7	Endorsement
11.	Ex.P3/PW7	GD entry
12.	Ex.P4/PW7	Certificate u/S 65B of IE Act
13.	Ex.P5/PW7	Copy of register No.19
14.	Ex.P1/PW8	Spot map
15.	Ex.P2/PW8	Specimen seal
16.	Ex.P1	Parcel

17.	Ex.P2	Shirt
18.	Ex.P3	Pant

B. Defence

Sr.No.	Exhibit Number	Description.
1.	DW1	Copy of FIR of cross case
2.	DW2	MLC of accused No.1

C. Court Exhibits

Sr.No.	Exhibit Number	Description.
1.	NIL	NIL

D. Material Objects :

Sr.No.	Material object Number	Description.
1.	NIL	Nil

(Dr. Hakikat Dhanda)
Chief Judicial Magistrate,
Kangra at Dharamshala.
HP01102

Particulars of personal and surety bonds furnished by the accused under Section 437-A Cr.P.C. which are attested and accepted 03.11.2025.

Particulars of accused	Personal Bond	Particulars of Surety.	Surety Bond
1. Munshi Ram S/o Sh. Doom Singh, R/o Village Challa, P.O. & Tehsil Harchakkian, District Kangra, H.P.	₹5,000/-	Ami Chand s/o Sh. Aklu Ram, R/o V.P.O. Pragor, Tehsil Harchakian, District Kangra, H.P.	₹5,000/-
2. Vishal Kumar @ Ishu S/o Sh. Karan Singh, R/o Village Challa, P.O. & Tehsil Harchakkian, District Kangra, H.P.	₹5,000/-	Ami Chand s/o Sh. Aklu Ram, R/o V.P.O. Pragor, Tehsil Harchakian, District Kangra, H.P.	₹5,000/-

(Dr. Hakikat Dhanda)
Chief Judicial Magistrate,
Kangra at Dharamshala.
HP01102