

State of Haryana Vs. Mangat and another

****1****

HRBH03013691-2023

CHI/1007/2023



IN THE COURT OF AMIT GAUTAM, ADDITIONAL
CHIEF JUDICIAL MAGISTRATE, BHIWANI.
(UID No. HR0289)

CNR No. HRBH03013691-2023

CIS No. CHI/1007/2023

Criminal Case No. 1007 of 2023

Date of Institution: 15.09.2023

Date of Decision: 08.11.2023

State of Haryana	Versus	1-	Mangat son of Telu Ram, resident of village Gujrani, Police Station Sadar, Bhiwani, District Bhiwani.
		2-	Sandeep @ Sunny son of Madan Lal, resident of village Gujrani, P.S. Sadar, Bhiwani, District Bhiwani.

....Accused

F.I.R. No.332 dated 01.06.2023

Under Sections: 323, 452, 506 and 34 of IPC

Police Station: Sadar, Bhiwani

Presence: Sh. Anil Siwach, Assistant Public Prosecutor for the State.
Accused **Mangat and Sandeep @ Sunny** are on bail being represented by Sh. Ajay Haluwasiya.

JUDGMENT:

The above named accused persons have been sent up by the Station House Officer of Police Station, Sadar Bhiwani to face trial for the commission of offences punishable under Sections 323, 452, 506 read with Section 34 of the Indian Penal Code.

2. Brief facts of the case are that complainant Binderpal

(Amit Gautam)
ACJM,Bhiwani
08.11.2023/HR-0289

State of Haryana Vs. Mangat and another

****2****

HRBH03013691-2023

CHI/1007/2023

moved a complaint Ex. PW1/A, alleging that on 31.05.2023, at about 09:00PM, he was present in his plot with Subhash, brother-in-law of his brother Sikender but in the meantime, Mangat and Sunny opened the gate of plot and entered therein and they were under influence of liquor. Mangat was making fun with Subhash but in the meantime, a scuffle took place between them. Mangat lifted a wooden danda and caused injuries on his hand and head and thereafter, he also gave beating with danda to Subhash and while living spot, they extended threats to kill them. He prayed for taking legal action against the accused persons.

Upon this complaint, an FIR was registered. Investigation was commenced. Statements of witnesses under Section 161 Cr.P.C. were recorded. Accused persons were arrested. After completion of all formalities and necessities of the investigation, challan were presented in the Court against accused persons.

3. Copies of the challan were supplied to the accused persons, free of cost and after finding a *prima facie* case against the accused under Sections 323, 452 and 506 read with Section 34 of IPC, the both accused persons were charge-sheeted accordingly on 15.09.2023.

4. Prosecution in support of its case, has examined two witnesses.

PW1 Binderpal is the complainant of this case, on whose complaint prosecution machinery was set into motion. In his deposition, he simply deposed that on 31.05.2023, accused Mangat and

State of Haryana Vs. Mangat and another

****3****

HRBH03013691-2023

CHI/1007/2023

Sandeep @ Sunny did not cause any injuries to him and Subhash nor extended any threats to kill them. At the request of learned APP for the state, he was declared hostile and was allowed to be cross-examined by him. However, nothing incriminating against the accused could be elicited in his cross-examinations. He has denied having made statement Ex.PW1/A given to the police. He had denied the allegations of the prosecution against the accused and denied the suggestion that he had deposed falsely in collusion with the accused.

PW2 Subhash deposed that accused Mangat and Sandeep @ Sunny never gave beating to Binderalpal in his presence. He further deposed that accused never abused and extended threats to kill them. At the request of learned APP for the state, he was declared hostile and was allowed to be cross-examined by him. However, nothing incriminating against the accused could be elicited in his cross-examination. He has denied having made statement Ex.PW2/A given to the police. He has denied the suggestion that he has deposed falsely in collusion with the accused.

5. This was all the evidence led by prosecution and thereafter, learned Public Prosecutor for the State, vide his separate statement, closed the evidence of the prosecution on 25.10.2023.

6. Statements of the accused persons under section 313 Cr.P.C have been dispensed with as there was no incriminating evidence against the accused persons and material witnesses have turned hostile.

State of Haryana Vs. Mangat and another

****4****

HRBH03013691-2023

CHI/1007/2023

7. I have heard learned Assistant Public Prosecutor for the State and learned Counsel for the accused and have perused the record very carefully.

8. After hearing learned Assistant Public Prosecutor for the State, learned defence counsel and perusing the record very carefully, I have reached to the conclusion that in this case the prosecution has miserably failed to prove the guilt of the accused beyond shadow of reasonable doubt.

9. In the present case, the prosecution has examined two witnesses. PW1 Bindarpal is the complainant/injured, on the basis of whose statement, the formal First Information Report was lodged in this case, he has failed to support the case of the prosecution and stated in a categorical term that the accused present in the Court had not inflicted injuries to him on the fateful day and similar is the stand of the remaining witness. PW2 Subhash, eye-witness has also denied the allegations of the prosecution against the accused. They had also denied the suggest that they were deposing falsely due to compromise with the accused.

10. Since, no incriminating evidence had been recorded against the accused persons, recording of their statements under Section 313 of Cr.P.C., is hereby dispensed with, vide separate order of even date.

11. Once, the relevant witnesses of the prosecution had been declared hostile, by the Ld. APP for the State, it cannot be held that the prosecution had proved its case, in accordance with law. It was

State of Haryana Vs. Mangat and another

****5****

HRBH03013691-2023

CHI/1007/2023

noticed that not only the complainant/prosecution witness (PW1) had stated that the accused named above had not committed the alleged offence, even the alleged eye-witnesses namely Subhash (PW2) had pleaded ignorance about the case in hand. Therefore, the prosecution story also proved to be false and frivolous and failed, for want of cogent and reliable evidence.

12. From the above discussion, it is clear that the prosecution has failed to prove the guilt of the accused beyond shadow of reasonable doubt and accordingly, both accused namely Mangat and Sandeep are acquitted from the charges levelled against them by giving them the benefit of doubt. The bail bond and surety bond already furnished by accused are extended for the purposes of Section 437-A Cr.P.C. for another six months from today. File be consigned to record-room, after due compliance.

Announced in open Court.
Dated : 08.11.2023

(Amit Gautam)
Addl. Chief Judicial Magistrate
Bhiwani/UID HR-0289

Note:-All the five pages of this judgment have been checked and signed by me.

(Amit Gautam)
Addl. Chief Judicial Magistrate
Bhiwani/UID HR-0289

Renu Bala,
Stenographer Grade-II

(Amit Gautam)
ACJM,Bhiwani
08.11.2023/HR-0289

State of Haryana Vs. Mangat and another

****6****

HRBH03013691-2023

CHI/1007/2023



Presence: Sh. Anil Siwach, Assistant Public Prosecutor for the State.
Accused **Mangat and Sandeep @ Sunny** are on bail being represented by Sh. Ajay Haluwasiya.

Today the case is fixed for recording statements of accused persons under Section 313 of Cr.P.C. Nothing incriminating had been recorded against both the accused, the requirement of recording their statement under Section 313 Cr.P.C. had been dispensed with.

Arguments heard. Judgment announced. Vide separate judgment of even date, both accused namely, Mangat and Sandeep @ Sunny are acquitted from the charges levelled against them by giving them the benefit of doubt. The bail bonds and surety bonds already furnished by the accused are extended for the purposes of Section 437-A Cr.P.C. for another six months from today. File be consigned to the record-room after due compliance.

Announced in open Court.
Dated:-08.11.2023

(Amit Gautam)
Addl. Chief Judicial Magistrate
Bhiwani/UID HR-0289

Renu Bala,
Stenographer Grade-II

(Amit Gautam)
ACJM,Bhiwani
08.11.2023/HR-0289