

HRSOB10030522024



Presented on : 26-07-2024
Registered on : 26-07-2024
Decided on : 04-08-2025
Duration : 1 years, 0 months, 9 days

**IN THE COURT OF
Judicial Magistrate - Ist Class
AT Gohana, Sonipat
(Presided Over by Dr. Jyoti)**

CHI/447/2024

State	Versus	1. Salman son of Sahid, resident of Baghra, P.S. Titavi, District Mujjafar Nagar, U.P.
		2. Aas Mophammad son of Sultan, resident of Baghra, P.S. Titavi, District Mujjafar Nagar, U.P.
		3. Rizwan son of Rahish, resident of Baghra, P.S. Titavi, Muzaffar Nagar, U.P.
		4. Rizwan son of Ishof @ Yusuf, resident of Mohalla Darbar Khurd, Kairana, Shamli, UP.

.....Accused

FIR No.154 dated 30.04.2024
Under Sections: 380 and 457 of IPC
Police Station: Sadar, Gohana

Presence: Ms. Chandni, APP for the State.
Accused Salman in custody represented by Sh. Jagdish Malik, Advocate. (through VC)
Accused Aas Mohammad in custody represented by Sh. P.K. Jangra, Advocate. (through VC).
Accused Rizwan son of Rahish and Rizwan son of Ishof @ Yusuf on bail represented by Sh. Pardeep Kumar Panchal, Advocate.

JUDGMENT:

Accused named above are facing trial for the alleged commission of offence punishable under Section 380 and 457 of the Indian Penal Code in case FIR No.154 dated 30.04.2024 of Police Station Sadar, Gohana.

2. The brief facts of the case of the prosecution as set up at trial are that in the intervening night of 29/30.04.2024 in the area of Police Station Sadar Gohana accused persons in furtherance of their common intention committed lurking house trespass by entering into the house (Gher) of complainant in the night in order to commit theft and committed theft of two buffaloes belonging to the complainant. On the basis of complaint moved by complainant, present case FIR was registered. The investigation was carried out. After completion of other formalities of investigation, accused sent to judicial custody and challan was presented in the court for putting the accused on trial.

3. Copies of the challan and other requisite documents as contemplated under Section 207 the Code of Criminal Procedure were supplied to the accused free of costs.

4. On finding a prima facie case, the accused persons Rizwan son of Rahish and Rizwan son of Ishof @ Yusuf were charge-sheeted on 30.10.2024 and accused Salman and Aas Mohammad were

charge-sheeted on 20.09.2024 by this Court under Sections 457 and 380 of IPC, to which, the accused pleaded not guilty and claimed trial.

5. At this stage, when case is fixed for prosecution evidence, all accused persons have expressed their desire to confess their guilt with respect to offence they are charged with. Accused have been given statutory warning, acquainted with the allegations in FIR against them and the implication of their confession. It is clarified to them, they are not bound to make any confession and confession, if any, is made by them, same will be used against them, but despite this, they remained consistent to get their confession recorded. Accordingly, confession of accused was recorded.

6. Since the accused have voluntarily confessed their guilt and their statements are found worthy of credit, free from any coercion etc., accordingly, all accused are hereby held guilty and convicted under Sections 457 and 380 of IPC. Let, they be heard on the quantum of sentence.

Dated: 04.08.2025

(Deepak Kumar)
Stenographer-I

(Dr. Jyoti),
Judicial Magistrate First Class,
Gohana/UID No. HR 0556

ORDER ON QUANTUM OF SENTENCE

Presence: Ms. Chandni, APP for the State.
Convict Salman in custody represented by Sh. Jagdish Malik, Advocate. (through VC)
Convict Aas Mohammad in custody represented by Sh. P.K. Jangra, Advocate. (through VC).
Convicts Rizwan son of Rahish and Rizwan son of Ishop @ Yusuf on bail represented by Sh. Pardeep Kumar Panchal, Advocate.

Arguments on the quantum of sentence heard.

2. The accused/convict Aas Mohammad suffered a statement (through VC) duly recorded in presence of his counsel that he is only earning hand in his family. His father has expired and his mother is old aged and ailing and there is no other person to look after her.

Convict Salman suffered a statement (through VC) duly recorded in presence of his counsel that his parents are old aged and there is no other earning member in his family.

Convict Rizwan son of Ishof suffered a statement that his mother has expired. He is married and has six children. His father is old aged and there is no one to look after him.

Convict Rizwan son of Rahish suffered a statement that his parents have expired. There is no other earning hand in his family. He is married and has two issues. There is no other person to look after them and his wife usually remains ill.

Convicts pleaded for taking a lenient view against them.

3. Keeping in view the nature of offence, circumstances of the case and keeping in view the fact that the convict Aas Mohammad had remained in judicial custody since 30.05.2024 to till date i.e.

04.08.2025, convict Salman has remained in judicial custody since 30.05.2024 to till date i.e. 04.08.2025, convict Rizwan son of Rahish has remained in judicial custody since 13.08.2024 to 16.10.2024 and convict Rizwan son of Ishof has remained in judicial custody since 13.08.2024 to 16.10.2024, this court is of the considered view that ends of justice would be met, if convicts Aas Mohammad and Salam are sentenced to undergo simple imprisonment for a period which they had already undergone in judicial custody in this case and convicts Rizwan son of Rahish and Rizwan son of Ishof are sentenced to undergo simple imprisonment for a period which they had already undergone in judicial custody in this case and to pay a fine of Rs.3,000/- each for the commission of offences under Sections 380 and 457 of IPC and in case of default of payment of fine, they shall undergo simple imprisonment for a period of one month. Ordered accordingly. Total fine of Rs.6,000/- paid. Case property be disposed of as per the rules after the expiry of period, appeal or revision thereof as the case may be. Accused persons Aash Mohammad and Salman be released from custody in this case if not required in any other case. File be consigned to record room after due compliance.

Announced in open court:
Dated: 04.08.2025

(Dr. Jyoti),
Judicial Magistrate Ist, Class
Gohana, UID No. HR-0556

Note:- Each page of this judgment/order has been checked and signed by the undersigned.

(Dr. Jyoti),
Judicial Magistrate Ist, Class
Gohana, UID No. HR-0556