

CC. No. 826 of 2020

**IN THE COURT OF THE VIII ADDITIONAL JUDICIAL MAGISTRATE
OF FIRST CLASS, AT MEDCHAL**

PRESENT: Ms. R. Lavanya,
VIII Additional Judicial Magistrate
of First Class, at Medchal.

Dated this the 23rd day of January, 2025

CC. No.826 of 2020

Between:

The State of Telangana through
P.S. Dundigal.

.....Complainant

And

Md. Siraj, S/o. Md. Inul,
Aged: 23 years, Occ: Tyre puncher shop,
R/o. Gandimaisamma Dundigal,
Medchal District.

....Accused

*This case is coming before me for final hearing in the presence of **Assistant Public Prosecutor** for the state and **Sri G. Narander Reddy**, counsel for accused and upon perusal of the entire material on record, on hearing the argument of both sides and having stood over the matter for consideration till this day, this court delivered the following:*

J U D G M E N T

1. The Sub-Inspector of Police, PS Dundigal filed charge sheet against accused in Crime No.49/2020, for the offence punishable under Section 79 of JJ Act.
2. The case of the prosecution in brief, is that, on 17.01.2020, at 1645 hours, PW1/Sub-Inspector of Police lodged report stating that on the same day at 11.30 hours, while he along with his staff Ramesh/Head constable and PW4 and Child line team, have jointly conducted Muskan Rescue operation and found two children working in a shop namely ie., A1 tyre workshop, Gandimaisamma. On enquiry, the children revealed their names as 1. Md. Imran, aged 16 years, 2. Md. Aslam, aged: 16 years and stated that they have been working in the

CC. No. 826 of 2020

said shop as helpers. Basing on the said report, police registered a case in Cr.No. 49/2020 under section 79 of Juvenile Justice Act. During the course of investigation, police examined and recorded the statements of the the witnesses and also the victim children, visited the scene of offence, drafted the crime detail form in the presence of two mediators, collected the aadhaar cards to the victim boys. After completion of entire investigation, police filed charge-sheet against the accused for the offence under section 79 of JJ Act.

3. The case was taken cognizance against the accused for the offence punishable under section 79 of JJ Act. and on appearance of accused copies of documents were furnished to him under Section 207 of Cr.P.C.

4. Thereafter accused was examined under Section 251 of Cr.P.C. Charge for the offence under Section 79 of Juvenile Justice was framed, read over and explained to him in vernacular language for which he pleaded not guilty and claimed to be tried.

5. In order to prove its case, prosecution cited as many as (10) witnesses but could able to examined (5) witnesses. PW.1 is the complainant/Sub-Inspector of Police, PW2 is the coordinator, child line team, PW3 is the mediator for CDF, PW.4 is the police constable who assisted PW.1 in conducting raid, PW5 is the investigating officer. Ex: P1 to P3 are marked on behalf of prosecution.

6. After closure of prosecution evidence, the accused is examined U/Sec.313 Cr.P.C in respect of incriminating material appearing against him in the version of prosecution witnesses and he reported no defence. No witnesses are examined and no documents are marked on behalf of the accused person.

7. Heard arguments of both sides. Perused the material available on record.

CC. No. 826 of 2020

8. Now the point for determination is **whether the Prosecution proved the guilt of accused person for the offence u/Section 79 of JJ Act beyond all reasonable doubt?**

POINT:-

9. The simple case of the prosecution is that, on 17.01.2020, PW.1 along with his staff Ramesh/Head constable and PW4 and Child line team have jointly conducted Muskan Rescue operation and found two children viz., 1. Md. Imran, aged 16 years, 2. Md. Aslam, aged:16 years working in A1 tyre workshop, Gandimaisamma as helpers. On enquiry, they came to know that the owner of the shop is Md. Siraj and he is running A1 tyre shop and he employed these children and extracting work from minor boys.

10. The plea of the accused is one of total denial and false implication.

11. To substantiate the said charge, prosecution examined PW-1 to PW-5. Among them, PW-1 is the complainant and he stated that, on 17.1.2020, he along with his staff and child line team, have jointly conducted Muskan Rescue operation and found two children working in A1 tyre shop, Gandimaisamma. He further deposed that on enquiry, they came to know that the owner of the shop is Md. Siraj (accused) and he is running A1 tyre shop, shop and he employed the children and extracting work with minor boys. He further deposed that on enquiry with said boys they revealed their names as Md. Imran, aged 16 years, 2. Md. Aslam, aged:16 years. Thereafter, he rescued the victim boys and took them to the police station. During the cross-examination, PW1 admitted that he was not issued any authorization letter to show that he was appointed as member of Operation Smile Team, Pet-Basheerabad Zone and also do not know shop number of the accused and also not collected any ownership document to show that the accused is the owner of the said shop. He also admitted that he has not collected any age determination certificate from the victim.

CC. No. 826 of 2020

PW.4 is the constable who assisted PW.1 in conducting raid over of the shop of accused and rescued the children also deposed on the same lines as that of PW.1 and corroborated the evidence of PW1 on all aspects

12. PW2 who is the coordinator, who participated in the joint operation of muskan also deposed on the same lines as that of PW1. She stated that on 17.01.2020, she along with PW1 and other staff members, while performing their duties at about 11.30 am, they found two children working in A1 tyre shop, Gandimaisamma and they rescued both the children and handed over them to the police.

13. PW3 is the mediator for scene observation panchanama. He stated that, in the year 2020, on one day while he was proceeding from Suraram to Gandimaisamma and when he reached near Indian Petrol pump, Gandimaisamma, Police obtained his signatures on some papers.

14. PW-5/B. Bhoopal is the investigating officer and he deposed on the lines of investigation done by him. He deposed about the registration of crime and receiving of endorsed FIR, recording the statements of the witnesses, visiting the scene of offence, conductance of scene observation panchanama in the presence of mediators and handing over the child victims to competent authority and filing of charge sheet after completion of investigation. During his cross-examination, he admitted that he has not collected any authorization letter from the complainant to show that he was deployed to conduct "Operation Smile". He also admitted that he has not collected any relevant document to ascertain whether the accused/Md. Siraj is the owner of A1 tyre shop. The investigating officer failed to examine any neighbours of A1 tyre shop. He also admitted that he had not

CC. No. 826 of 2020

submitted any document to show that he had handed over the victim boy to the rescue home.

15. The learned APP argued that the evidence of prosecution witnesses is corroborated with each other, hence the evidence of prosecution witnesses is sufficient enough to convict the accused and prayed this court to convict the accused.

16. On the other hand, the learned defence counsel argued that the entire investigation done by the investigating officer is table investigation and there are no eye witnesses to the incident and the victims who are examined in this case have not been produced before this court and no documentary proof was produced by the prosecution to show that the accused is the owner of A1 tyre shop and that he engaged the child labourers in his shop and prayed to acquit the accused.

17. On careful scrutiny of the above evidence, it is clear that PW.1, PW.4 and PW.5 are the police officials. PW1 is the Sub-Inspector of Police who conducted raid over A1 tyre shop of accused and rescued the victim boys and PW.4 is the constable who assisted PW.1 in conducting raid over the shop of accused. PW3 is the mediator for crime detail form though he stated that, police obtained his signatures on some papers, but he did not stated, panchanama was conducted in his presence which gave death blow to the case of the prosecution. PW2, who is the coordinator also deposed on the same lines of as that of PW1. She being an official witness along with PW1, much credance need not been given without any corroboration from the independent witnesses. PW5 is the investigating officer whose evidence is formal in nature. No independent witnesses were examined to corroborate the evidence of PW1, PW2 and PW.4 who conducted raid over the shop of the accused to establish that the accused had engaged the victim boys as labourers on daily wages in his

CC. No. 826 of 2020

shop. Except the uncorroborated testimony of PW1, PW2 and PW4, there is no iota of evidence against the accused. The investigating officer has failed to collect any incriminating material against the accused and it appears that he simply conducted table investigation and filed charge-sheet. The investigating officer also failed to collect the age proof certificate of the victims to show that the victim boys are minors. The investigating officer also failed to file any document before this court to show that the rescued victim boy was handed over to the management of rescue home for his welfare.

18. Thus, PW-1, PW-2 and PW-4 who are the police officials and there is every possibility of false implication of accused and it is highly unsafe to base conviction without any incriminating evidence against the accused. The investigating officer failed to collect any ownership certificate that the accused is the owner of the said shop and he engaged Master Md. Imran and Md. Aslam, as labourers in his shop. The prosecution even failed to produce the age determination certificate of Master Md. Imran and Md. Aslam for the reasons better known to it. The parents of the victim boy were not examined by the prosecution to establish that the boy was working under the accused.

19. Except the testimonies of PW1, PW.2 and PW.4, who are interested witnesses there is no other corroborative evidence to connect the accused with the alleged offence. Hence, this court has no hesitation to hold that the prosecution failed to bring home the guilt of the accused beyond all reasonable doubt.

20. In the result, accused is found not guilty for the offence punishable under section 79 of Juvenile Justice Act and he is accordingly acquitted under Section 255 (1) Cr.P.C. The bail bonds of accused shall stand cancelled after expiry of appeal time.

CC. No. 826 of 2020

Typed to my dictation by the typist, corrected and pronounced by me in the open Court on this the 23rd day of January, 2025.

**VIII ADDITIONAL JUDICIAL MAGISTRATE
OF FIRST CLASS, AT MEDCHAL**

APPENDIX OF EVIDENCE
WITNESSES EXAMINED

FOR PROSECUTION:

PW-1: J. Laxman/ SI of Police/ Complainant.
PW-2: A. Priyanka / BRB Coordinator,
PW-3: P. Sai Kumar/ mediator for CDF.
PW-4: B. Gopal, Head Constable, projected as witness.
PW-5: B. Bhoopal/ Investigating officer, who filed chargesheet.

ACCUSED:

-NIL-

EXHIBITS MARKED

FOR PROSECUTION:

Ex: P1 is report.
Ex: P2 is CDF.
Ex: P3 is FIR.

ACCUSED :

-NIL-

**VIII ADDITIONAL JUDICIAL MAGISTRATE
OF FIRST CLASS, AT MEDCHAL**