

**IN THE COURT OF MANJINDER , ADDL. SESSIONS JUDGE,
LUDHIANA . (UID NO.PB0181).**

CNR No: PBLD010238762022

CIS No: SC/10863/2022

Date of decision :- 18.1.2023

State

Versus

1. Ravinder Kumar @ Sonu son of Ram Lal, resident of street no.2, Jawana Singh Nagar, Jassiyar Road, P.S.Haibowal, Ludhiana.
2. Sunny Kumar son of Mulakh Raj resident of Village Vallipur Rahon Road, Ludhiana at present tenant Butta Singh Bazigar Dera Bahadur K Road, Ludhiana.
3. Sham Lal @ Sham son of Harbans Lal, resident of H. No.1219/17C, Harnam Nagar, Near Railway Crossing P.S.Model town, Ludhiana.

FIR No.85 dated 11.6.2022
under Section 379B /120 B/201, 379B
(2),34 of IPC.
P.S. PAU, Ludhiana.

Present Sh. Amandeep Singh, Addl.PP for the State
Accused Ravinder Kumar @ Sonu, Sunny Kumar and
Sham Lal @ Sham on bail with counsel Sh. H.R
Dhanda Advocate

JUDGMENT

1. Accused Ravinder Kumar @ Sonu, Sunny Kumar and Sham Lal @ Sham have been facing trial for the commission of offences punishable under Sections 379B/34,, 120B of Indian Penal Code.

2. Prosecution case is that on 8.6.2022 complainant Mangla Singh Yadav working as security guard in Rishi Nagar Block C, Ludhiana after his duty was going to his house on a cycle. At about 8:15PM, when he reached near the cremation ground on Baranhara road, two persons came on motorcycle from village Baranhara side and inquired him about the road leading to village Partapwala and then, the

pillion rider snatched the mobile phone make Samsung from the complainant Mangla Singh Yadav and fled away. He personally searched for them. On the statement of complainant Mangla Singh Yadav an FIR under Section 379B IPC was registered against un-known persons. Thereafter, the complainant got recorded his supplementary statement that while snatching his mobile phone one of accused had taken out a sharp edged weapon from his pocket and threatened to kill him. So, an offence under Section 379B(2) IPC was added. On 16.6.2022 accused were arrested and during interrogation they disclosed that they had thrown the snatched mobile phone make Samsung in the dirty drain and so an offence under Section 201 IPC was also added.

3. After investigation the Challan under Section 379B/34, 120B, 201, 379B(2) of IPC. was presented against the accused before the Illaqa Magistrate. Copies of the challan were supplied to the accused free of costs as envisaged under Section 207 Cr.P.C. Since an offence under Section 379B IPC is exclusively triable by Court of Session, so the case was committed to the court of Session vide order dated 18.10.2022 by the court of Sh. Rajiv Kumar Garg, Judicial Magistrate Ist Class, Ludhiana.

4. This case has been received by entrustment. Finding a prima facie case under Section 379B/34 & 120B IPC is made out against the accused, so the accused were charge sheeted under Sections 379B/34 & 120B to which they did not plead guilty and claimed trial.

5. In order to prove its case, prosecution has examined complainant Mangla Singh Yadav as PW1. As he has not supported the prosecution case and turned hostile, so finding that no private witness remained to be examined and no improvement can be made by examining the other formal witnesses, the ld. Addl. PP for the state closed the prosecution evidence.

6. I have heard the ld., Addl. PP for the state and ld. counsel for the accused.

7. The allegations against the accused are that on 8.6.2022

they snatched the mobile phone make Samsung from complainant Mangla Singh Yadav. Prosecution in order to prove its case has examined complainant Mangla Singh Yadav as PW1. Thus, he is the material witness of this case. When he stepped into to witness box, he has stated that on 8.6.2022 after his duty he was going towards his house on motorcycle. At about 8:15PM when he reached near the cremation ground of Baranhara road, two persons came on a motorcycle from Baranhara and they asked him about way of Partap Singh wala. He stopped the motorcycle and they snatched his mobile phone make Samsung. He got recorded statement Ex.PA to the investigating officer. The accused present in the court are not the persons who had snatched his mobile phone. He never disclosed the name of the accused to the police and police officials never called him for identification of the accused. As he had not supported the prosecution case and had resiled from his previous statement given to the police so he was declared hostile and with the permission of the court he was cross examined by the learned Addl. PP for the state. He in his cross examination conducted by the ld. Addl. PP did not admit anything against the accused. He has denied that on 16.6.2022 he had identified the accused as well as motorcycle bearing no. PB10-EU-6106 at Ayali Khurd. Though he has admitted that memo dated 16.6.2022 bears his signatures but stated that his signatures were obtained on blank papers. He has also denied that on 20.7.2022 he had disclosed the names and whereabouts of the accused to the investigating officer or that he got recorded statement Mark A to the investigating officer. He in his cross examination conducted by the defence counsel has stated that he has seen the accused first time in the court. This is the only evidence adduced by the prosecution. Thus the complainant on whose statement this case has been registered has categorically denied that the accused present in the court had snatched mobile phone from him and has also not identified them. As nothing incriminating has come against the accused so recording of the statement of accused under Section 313 of Cr.P.C has been dispensed with. There being nothing against the

accused, so the accused Ravinder Kumar @ Sonu, Sunny Kumar and Sham Lal @ Sham are acquitted of the charges framed against them. Case property, if any be returned to its original owner after expiry of period of limitation of appeal/revision. File be consigned to the record room.

Announced in open court

on: 18th January, 2023

(Manjinder),

Addl. Sessions Judge, Ludhiana .

Deepak Spal, SG-II

(UID No.PB0181).

Note This judgment has been directly dictated on computer.