

IN THE COURT OF DISTRICT MOBILE MAGISTRATE (T),
POONCH

JO Code-JK00218

File no.191/Challan/2022

D.O.I:- 17.10.2022

CNR no. JKPN030012532022

D.O.O:- 18.10.2023

In the matter of

Union Territory of Jammu and Kashmir through
Police station Mandi.

FIR no. 107/2022, U/ss 341,323,504,506 IPC.

Through:- Assistant Public Prosecutor

V/s

1. Haneefa Bi W/o Mohd Azam

2. Safeena Kouser W/o Mohd Hazoor

Both residents of Timbra, tehsil Haveli,
district Poonch

..... Accused

Through:- Adv Sh Mohinder Payasa

CORAM

Tabraiz Ahmed (KCS Judicial)

Present:- APP for State

Accused along with their ld counsel

ORDER

1. PW 1 namely Naseem Akhter and PW 3 namely Shenaz Akhter are present and their statements have been recorded and retained on the record of file.
2. At this stage, ld counsel for the accused has submitted that complainant and victim in the case i.e PW 1 and PW 3 have appeared today in witness box and they have not stated any incriminating word against the accused persons. Rest of prosecution witnesses are witnesses of occurrence and investigation. Once alleged complainant-cum-victim have exonerated the accused persons from commission of any offence then calling of rest of prosecution witnesses shall not serve any useful legal purpose, as such

it was prayed that proceedings in present case be truncated and accused may be acquitted.

3. On the submissions of ld counsel for the accused, when I perused the charge sheet, it transpires from the record of file that on dated 24.08.2022 complainant PW 1 Naseem Akhter has presented a written application in police station Mandi and based upon this application, FIR no. 107/2022 U/ss 341,323,147,504,506 IPC was lodged in police station Mandi and same resulted in culmination of present charge sheet.
4. Complainant PW 1 has appeared in witness box on dated 18.10.2023 and it transpires from her statement that she has not stated even a single incriminating word against the accused persons. It has been stated by PW 1 that only arguments took place between her and accused persons on the day of occurrence. Despite being thoroughly cross examined by Ld APP after being declared hostile, she has not supported the prosecution story in any manner. Similar facts could be gathered from testimony of PW 3 and she too has not narrated any fact against the accused persons.
5. Clearly from the statements of PW 1 and PW 3, there is absolutely no substance or incriminating material which could constitute any offence against accused. Rest of prosecution witnesses have to prove the occurrence in consonance and in support of the testimonies of the complainant and victim. Once alleged victim has exonerated the accused from commission of any offence then the testimonies of rest of prosecution witnesses shall be hardly of any evidently value to prove that part of prosecution story.

6. Hence in view of above, right of prosecution to produce prosecution evidence is closed and matter in hand is taken up for recording statements of accused persons u/s 313 CrPC. As there is nothing incriminating substance against the accused persons in the statements of prosecution witnesses, as such recording of statements of accused u/s 313 CrPC is hereby dispensed with.

7. In view of above, proceeding in present charge sheet is truncated at this stage and charge sheet is dismissed and accused are acquitted of charges levelled against them in present charge sheet. Bail bonds and surety bonds of accused are accordingly discharged. File shall be consigned to records after its due compilation.

Announced
18.10.2023

District Mobile Magistrate (T)
Poonch