

**IN THE COURT OF JUDICIAL MAGISTRATE Ist CLASS  
TARN TARAN  
(PRESIDED OVER BY SH. TANVEER S. MADHAV)  
(UID No. PB0488)**

Presented on : 21.07.2014  
Registered on : 21.07.2014  
Decided on : 30.11.2024  
**CNR No. PBTT03-001559-2024**

**CHI-225-2017**

State of Punjab

VERSUS

**ACCUSED :**

1. Shinder Kaur wife of Harjinder Singh, resident of Village Khara, District Tarn Taran.
2. Harbhajan Kaur wife of Balbir Singh, resident of Village Manochal, District Tarn Taran.
3. Manjit Kaur wife of Baldev Singh, resident of Village Manochal, District Tarn Taran.
4. Atma Singh son of Mohinder Singh, resident of Village Gandhi Wind, District Tarn Taran.
5. Dara Singh son of Sarabjit Singh, resident of Village Gandhi Wind, District Tarn Taran.
6. Satnam Singh son of Gurdev Singh, resident of Village Gandhi Wind, District Tarn Taran. (Proceedings abated).

FIR No. 126 dated 07.11.2013,  
Under Sections: 420, 120-B of IPC,  
P.S. Sarhali.

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Present: Ms. Aspreet Kaur, Ld. APP for the State.  
Accused Shinder Kaur, Harbhajan Kaur, Manjit Kaur, Atma Singh and Dara Singh on bail with their counsel, Sh. A.S. Dhillon, Advocate.  
Proceedings abated against accused Satnam Singh.  
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**JUDGMENT :**

The above named accused were sent up for trial by the SHO, Police Station Sarhali for the offences punishable under Sections 420 and 120-B of IPC.

2. The case of the prosecution is that the FIR in the instant case was registered on the instance of complainants Satwant Kaur and Raj Kaur on the allegation that on 17.10.2022 in the area of Sub-Tehsil Chohla Sahib, the accused, in furtherance of criminal conspiracy of each other to do an illegal act, executed a sale deed pertaining to the property of the complainants Satwant Kaur and Raj Kaur. FIR was registered and after completion of the necessary formalities of investigation, challan against the accused was presented in the Court.

3. After presentation of the challan in the Court, the copies of documents in compliance of Section 207 of Cr.PC were supplied to the accused and their statements to that effect was recorded. Finding a prima facie case against the accused under Sections 420 and 120-B of IPC, charges were framed accordingly. The content of the charge was read over and explained to the accused in simple language to which they pleaded not guilty and claimed trial. It is pertinent to mention here that during trial the accused Satnam Singh reported to have died. Therefore, the proceedings against accused Satnam Singh was ordered to be abated vide order dated 06.02.2024, passed by this Court.

4. No witness has been examined by the prosecution, even though ample effective opportunities were availed by it, neither any

documentary evidence was placed on record by it. The prosecution's evidence was closed by order.

5. As the complainant and official witnesses have not been examined by the prosecution and nothing incriminating has come out against the accused, therefore, statements of the accused under Section 313 of Cr.P.C. were dispensed with.

6. Ld. APP for the State has argued that the evidence produced by the prosecution is sufficient to convict the accused facing trial under Sections 420 and 120-B of IPC and a prayer for their conviction have been made.

7. Per contra, Ld. Counsel for the accused has argued that the complainant, in this case has not been examined and even no other private or official witness has been examined. As such, the accused cannot be held guilty because it is the basic principle of the criminal jurisprudence that the prosecution has to establish its case beyond the shadow of all reasonable doubts.

8. Arguments so advanced by Ld. APP for the State and Ld. Counsel for the accused have been heard and record on judicial file has been perused with their able assistance, following point of determination is before this Court in this case:-

*“Whether the prosecution has been able to prove beyond the reasonable doubt that on 17.10.2022 in the area of Sub-Tehsil Chohla Sahib, the accused, in furtherance of criminal conspiracy of each other to do an illegal act, executed a sale deed pertaining to the property of the complainant Satwant Kaur and Raj Kaur, thus, the accused facing trial have committed offences under Sections 420 and 120-B of IPC?”*

9. The complainant Satwant Kaur has not been examined in the instant case, even no other private or official witness have been examined in this case. As the complainant as well as the spot or official witnesses have not been examined, there is no oral evidence against the accused. Even there is no documentary evidence on the file to fasten the liability against the accused. Therefore, it can safely be held that the evidence available on the file is not sufficient to hold the accused guilty. As such, it can be held that prosecution has miserably failed to prove the case against the accused beyond all reasonable doubts.

10. In view of the above said discussion, this Court is of the considered view that the arguments raised by the Ld. Counsel for the accused carries weight and the prosecution has failed in proving the case against the accused Shinder Kaur, Harbhajan Kaur, Manjit Kaur, Atma Singh and Dara Singh beyond all reasonable doubts. The evidence on record is definitely not sufficient to bring home their guilt. Accordingly, the accused Shinder Kaur, Harbhajan Kaur, Manjit Kaur, Atma Singh and Dara Singh are hereby acquitted from the charge framed against them punishable under Sections 420 and 120-B of IPC. The case property be disposed of as per rule after the expiry of period of filing appeal/revision against this judgment, if any. File be consigned to the Record Room.

Pronounced in open Court.  
Dated: 30.11.2024

Stenographer Gr-III (Mohd Shadab Alam)

(Tanveer S. Madhav)  
Judicial Magistrate Ist Class,  
Tarn Taran, (UID No.PB0488)

*Tanveer S. Madhav, JMJC, Tarn Taran,  
30.11.2024.*

**CHI-225-2017**

Present: Ms. Aspreet Kaur, Ld. APP for the State.  
Accused Shinder Kaur, Harbhajan Kaur, Manjit Kaur, Atma Singh and Dara Singh on bail with their counsel, Sh. A.S. Dhillon, Advocate.  
Proceedings abated against accused Satnam Singh.

Non-bailable warrants issued against the complainant have received back unexecuted with report that the witness was not available at home. Perusal of the case file reveals that the complainants Satwant Kaur and Raj Kaur have not appeared despite issuance of bailable warrants as well as non-bailable warrants of arrest. Even no other PW is present. The prosecution has given many effective opportunities to conclude its evidence but to no avail. Perusal of the case file reveals that the instant case was instituted on 21.07.2014 and has been fixed for prosecution witness since 18.08.2014. Another complainant PW Raj Kaur was given by learned APP for the State on 21.07.2015, by suffering a separate statement as the complainant Satwant Kaur had suffered a statement that the said Raj Kaur is mentally upset and cannot depose in this case. Thereafter, the parties had approached the Hon'ble Punjab and Haryana High Court for getting the instant FIR quashed but the said petitions were ordered to be dismissed as withdrawn vide orders dated 07.12.2023 and 22.02.2024, passed by the Hon'ble Punjab and Haryana High Court. It shows that even the complainant Satwant Kaur does not want to appear as witness in this case. As such, the prosecution has availed ample opportunities and despite directions and warnings by this Court, it was unable to complete its evidence. As such, the prosecution evidence is

closed by order. Statements of the accused under section 313 Cr.PC are dispensed with as nothing incriminating is on the file against them. Accused Shinder Kaur, Harbhajan Kaur, Manjit Kaur, Atma Singh and Dara Singh closed their defence evidence. Arguments heard. Vide a separate detailed judgment of the even date, the accused Shinder Kaur, Harbhajan Kaur, Manjit Kaur, Atma Singh and Dara Singh in this case stand acquitted. File be consigned to the record room.

Pronounced in open Court.  
Dated: 30.11.2024

Stenographer Gr-III (Mohd Shadab Alam)

(Tanveer S. Madhav)  
Judicial Magistrate Ist Class,  
Tarn Taran, (UID No.PB0488)