

UID : HR-0392
Chi-380-2024

State **versus** Gaurav & another

HRREA10014702024



Presented on : 24-12-2024
Registered on : 24-12-2024
Decided on : **01-07-2026**
Duration : 1 years, 6 months, 8 days

**IN THE COURT OF
SUB DIVISIONAL JUDICIAL MAGISTRATE
at Kosli, Rewari
(Presided Over by Sh. Ashok Kumar-IV)
CHI/380/2024**

State **versus**

1. Gaurav son of Vikram
2. Yash son of Ajay Yadav, residents of village Kosli, Tehsil Kosli, Rewari.

FIR No. 353 dated 06.12.2024
Under Sections: 115, 117 (2), 333, 351 (3) and 3 (5) of BNS
Police Station: Kosli.

Present when argued: Sh. Ashish Tehlan, Ld. APP for the State.
Accused Gaurav and Yash on bail with Sh. H. S. Dhillon, Advocate.

JUDGMENT

The accused above named have been sent by the SHO of Police Station, Kosli to face trial for committing offence punishable under Sections 115, 117 (2), 333, 351 (3) and 3 (5) of the Bharatiya Nyaya Sanhita, 2024 (hereinafter, the BNS, 2024)

2. Shorn to unnecessary details, brief facts material for adjudication of the case are that the complainant namely Rakesh Yadav moved a complaint to the SHO of Police Station, Kosli alleging therein that

on 05.12.2024 at about 08.00-09.00 PM, he was present at his shop titled Vishal Sound Darbar, Kosli. When accused Gaurav with one other boy came on the spot. He was holding hockey stick. It is alleged that accused started him beating with hockey stick after asking who had switched on street lights. It is alleged that accused gave hockey blow on his head with intention to kill. On this, complainant turned unconscious. He was admitted to civil hospital, Kosli where from he was referred to civil hospital, Rewari but he got treatment from Aditya Hospital, Rewari. Lastly, it is prayed to take necessary legal action against accused.

3. On the basis of which, formal FIR was registered and investigation was conducted. Accused was arrested. Section 117 (2) of BNS, 2024 was added during investigation. After completion of investigation, challan under Section 115, 117 (2), 333, 351 (3) with section 3 (5) of the Bharatiya Nyaya Sanhita, 2024 against accused **Gaurav** son of Vikram and **Yash** son of Ajay Yadav was filed in the court.

4. Copy of challan was supplied to accused free of cost as mandated under Section 230 of the BNSS.

5. Finding prima-facie case against accused being made out and accused were charge sheeted under Section 115, 117 (2), 333, 351 (3) and 3 (5) of the Bharatiya Nyaya Sanhita, 2024 vide order dated 27.02.2026 passed by learned SDJM, Kosli. The charge was read and explained to accused to which they pleaded not guilty and claimed trial.

6. In order to prove its case, prosecution has examined three

witnesses complainant-cum-injured PW1 Rakesh Yadav, PW2 Gajender @ Gajraj and PW3 HC Om Parkash.

7. Thereafter, learned APP for the State closed prosecution evidence vide separately recorded statement dated 22.05.2026.

8. Statements of accused under section 313 Cr.P.C. was recorded wherein all the incriminating evidence against accused was put to them.

9. No DW was examined. Hence, defence evidence is closed by court order dated 01.07.2026.

10. I have heard learned APP for the State and learned defence counsel. Learned APP for the State argued, inter-alia, that prosecution examined three witness who have fully proved the case of prosecution beyond shadow of reasonable doubts as complainant-cum-injured PW1 Rakesh and PW2 Gajender @ Gajraj have turned hostile but they supported prosecution version during cross-examination. He argued that PW3 HC Om Parkash proved FIR endorsement Ex. PW3/A. Lastly, he prayed for conviction of accused.

11. Per contra, learned defence counsel vehemently controverted the argument advanced by learned APP by submitting, inter-alia, that testimony of examined witness is not sufficient to prove false allegations leveled against accused because complainant-cum-injured PW1 Rakesh and PW2 Gajender were turned hostile and did not support prosecution version. Lastly, he prayed for acquittal of accused after giving benefit of doubts.

12. I have considered the arguments advanced by learned APP for

the State and learned defence counsel beside going through the case file very carefully and minutely. The prosecution has examined three witnesses but their testimony is highly insufficient to prove allegations leveled against accused beyond shadow of reasonable doubts as prosecution examined complainant-cum-injured PW1 Rakesh and PW2 Gajender but they have turned hostile. Learned APP for the State exhaustively cross-examined PW1 Rakesh and PW2 Gajender at length but nothing contradictory could have been extracted from their mouth. The testimony of formal police official is not sufficient to prove allegation against accused. Hence, prosecution failed to prove guilt of accused by leading cogent and reliable evidence. Accordingly, accused **Gaurav** son of Vikram and **Yash** son of Ajay Yadav are hereby **acquitted** of the charges levelled against them by giving benefit of doubts. Case property, if any, be dealt with, in accordance with law. Bail bonds and surety bonds furnished stand extended for a further period of six months, and in case no appeal is preferred after lapse of six months, same stand discharged. File be consigned to record room after due compliance.

Pronounced in open Court.
Dated: 01.07.2026

(Ashok Kumar-IV)
Sub Divisional Judicial Magistrate, Kosli,
UID No. HR0392

Note: All the four pages of this judgment have been duly checked and signed by me.

Wazir, Stenographer Gr.-II

(Ashok Kumar-IV)
SDJM, Kosli,
UID No. HR0392