

State Vs. Vinod Kumar

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IN THE COURT OF RISHABH AGGARWAL, JUDICIAL
MAGISTRATE FIRST CLASS, YAMUNA NAGAR AT JAGADHRI
(UID Code No.HR0675).

Computerized No. : CHI/698/2019

CNR No.HRYN03-003841-2019

Date of institution : 10.06.2019

Date of decision : **04.07.2026**



State Versus Vinod Kumar S/o Shri Dharam Singh, R/o
Taanka Majra, P.S. Shehzadpur, District
Ambala.

.....Accused

FIR No.42 dated 12.04.2019,

Under Sections : 279, 337 & 304-A of IPC, 1860

Police Station: Jathlana.

Present: Learned APP for the State.

Accused Vinod Kumar on bail, represented by Shri Ravi
Bhushan and Shri Ajaydeep Singh, Advocate.

JUDGMENT:

Accused named above has been sent up to face trial by SHO,
Police Station Jathlana for alleged commission of offences punishable
under Sections 279, 337 & 304-A of the Indian Penal Code, 1860
(hereinafter, referred to as 'IPC').

2 Brief facts of the prosecution's case as stated in the police
report submitted under Section 173(2) Cr.P.C. are that on 11.04.2019, a
telephonic information was received at the police station from
Government Hospital, Yamuna Nagar stating therein that three unknown
boys have been admitted to hospital on account of injuries received in a
roadside accident that took place near Krishna Public School, Khajuri,

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Jathlana. On receiving the aforesaid information, HC Dilbag Singh, Belt No.96 alongwith Constable Vinod Kumar, Belt No.517 reached Government Hospital, Yamuna Nagar wherein statement of Bhim Singh S/o Shish Pal, Village Kundi, Sarsawa, Saharanpur (**hereinafter, referred to as 'complainant'**) was recorded. Complainant in his statement to the police i.e. Ex.PW1/A *inter-alia* stated that on 11.04.2019 at about 03:00 PM, he alongwith Ankit S/o Raj Kumar and Yogesh alias Bittu S/o Sher Singh had left for Indri from Village Kundi on his motor-cycle bearing registration No.HR-02J-9774 make Splendor. Complainant was driving the motor-cycle in question and at about 04:15 PM, when they reached near Shri Krishna Public School, Jathlana Road, Village Khajuri, then a car bearing registration No.HR-06X-1277 make I-20 came driving rashly and negligently and struck the same onto the motor-cycle owing to which complainant party fell on the road. It was stated that the driver of offending car fled the spot alongwith his vehicle after causing the accident. Thereafter, the passersby took the complainant party to Civil Hospital, Yamuna Nagar from where Ankit and Yogesh @ Bittu were referred to GMCH, Sector-32, Chandigarh for treatment owing to serious injuries sustained by them. It was stated that the accident in question has taken place on account of rash and negligent driving of car driver and thus prayed that necessary legal action may kindly be taken against him.

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On the basis of above said information, FIR bearing No.42 dated 12.04.2019 was registered in the present case. On the strength of

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abovesaid FIR, investigation got commenced in the present matter. During the course of investigation, offending vehicle i.e. car bearing registration No.HR-06X-1277 was recovered, mechanical inspection was got done, arrest of the accused was effected, post mortem examination report of the victim Ankit and MLRs of other injured were collected. After complying with all the necessary formalities, challan against the accused was presented in the Court.

4 Copy of challan and other accompanied documents was supplied to the accused free of costs as envisaged under Section 207 Cr.P.C. Cognizance of the offence was taken and after finding a *prima facie* case against the accused, he was accordingly charge-sheeted for offences punishable under Sections 279, 337 & 304-A IPC, 1860 to which he pleaded not guilty and claimed trial.

5 In the prosecution evidence, learned APP for the State examined PW1 Bheem S/o Shishpal Singh (Complainant) PW2 Sher Singh S/o Harish Chand, PW3 Bittu @ Yogesh (injured/eye witness) PW4 Manjit Singh, PW5 ASI Subhash Chand, Belt No.525 and PW6 HC Dilbag Singh, Belt No.96 (Investigating Officer). Prosecution further tendered following documents in its evidence :-

Exhibits	Description
Ex.PW1/A	Statement given to police by complainant Bheem Singh S/o Shish Pal on the basis of which FIR was registered,
Ex.PW1/B	Identification memo of accused,

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Ex.PW1/C	RJ superdari of motor-cycle bearing registration No.HR-02J-9774,
Ex.PW2/A	Receipt of dead body of Ankit,
Ex.PW3/A	Statement of Bittu Kumar recorded statement under Section 161 Cr.P.C.
Ex.PW4/A	Statement of Manjeet Rana recorded statement under Section 161 Cr.P.C.,
Ex.PW5/A	Mechanical inspection report of car bearing registration No.HR-06X-1277,
Ex.PW5/B	Mechanical inspection report of motor-cycle bearing registration No.HR-02J-9774,
Ex.PW6/A	Police proceedings,
Ex.PW6/B	Rough site plan of the place of occurrence,
Ex.PW6/C	Death report of Ankit,
Ex.PW6/D	Recovery memo of motor-cycle bearing registration No.HR-06J-9774,
Ex.PW6/E	Arrest form of accused Vinod Kumar,
Ex.PW6/F	Recovery memo of car bearing registration No.HR-06X-1277 alongwith RC, Insurance of said vehicle and DL of accused,
Ex.P1	Original RC of car bearing registration No.HR-06X-1277,
Ex.P2	Insurance of car bearing registration No.HR-06X-1277,
Ex.P3	Original Driving Licence of accused Vinod Kumar,

6 Thereafter, learned APP for the State closed the prosecution evidence vide his separate recorded statement dated 09.06.2026.

7 Statement of accused under Section 313 Cr.P.C. was recorded in which he denied all the allegations levelled against him by the prosecution and pleaded false implication in the present case and thereafter, the accused closed his defence evidence vide his separate statement of even date.

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8 I have heard the arguments advanced by learned APP for the state and learned defence counsel for the accused and have gone through the case file carefully and minutely with their able assistance.

9 After going through the entire evidence available on record, following point arises for determination in the present case:-

“Whether on 11.04.2019 at about 04:15 PM near Shri Krishna Public School, Jathlana Road, Village Khajuri within the area of Police Station Jathlana, accused drove his vehicle i.e. car bearing registration No.HR-06X-1277 on a public road in a rash and negligent manner so as to endanger human life and personal safety of others and further voluntarily caused simple hurt to complainant Bheem Singh and his friend Yogesh and further caused death not amounting to culpable homicide of complainant’s friend namely Ankit S/o Raj Kumar and thereby committed offences punishable under Sections 279, 337 & 304-A of IPC, 1860 and is thus liable to be punished accordingly?”

10 It is a fundamental of criminal jurisprudence that prosecution has to establish the guilt of an accused beyond all reasonable doubt by leading cogent, convincing and reliable evidence on record. In the present matter, accused stands charged with offences under Sections 279, 337 & 304-A of IPC. It is the case of prosecution that on the alleged date of incident i.e. 11.04.2019, accused drove his car bearing registration No.HR-06X-1277 in a rash and negligent manner and thereby caused simple injuries to complainant Bheem Singh and his friend Yogesh @

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Bittu and further caused death not amounting to culpable homicide of Ankit S/o Raj Kumar. The first and foremost requirement for the prosecution was to establish on record the identity of accused being driver of offending vehicle bearing registration No.HR-06X-1277 on the alleged date of incident, however, in the considered opinion of this court, prosecution has **failed** to prove the aforesaid fact beyond all reasonable doubt for the reasons hereinafter mentioned.

11 Perusal of the case file reveals that star witness of the prosecution namely Bheem Singh S/o Shish Pal Singh (**i.e. complainant, injured and eye-witness of the present FIR**) has turned hostile during the course of his testimony as recorded before the Court and has not supported the case of the prosecution in all material aspects. Complainant has though deposed as to the factum of accident having taken place on 11.04.2019, however, he has not deposed about the registration number of the offending vehicle. He has further stated that accused present in the Court is not the one who caused the alleged accident. When confronted with his initial statement given to the police i.e. Ex.PW1/A, the witness resiled giving any such statement to the police and further stated that the police officials had got obtained his signatures on blank papers. Similarly, the other injured of the present matter i.e. PW3 Bittu @ Yogesh has also turned hostile during his testimony before the Court and has stated that accused present in the Court is not the one who caused the alleged accident. When confronted with his statement given to the police officials

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under Section 161 Cr.P.C. i.e. Ex.PW3/A, the witness resiled giving any such statement to the police. The alleged eye witness of the present matter i.e. PW4 Manjit Singh has also turned hostile and has stated that when he reached the spot of occurrence, then the driver of offending vehicle has already fled the spot. When confronted with his statement given to the police officials under Section 161 Cr.P.C. i.e. Ex.PW4/A, the witness resiled giving any such statement to the police.

12 Perusal of the case file further reveals that no 'test identification parade' of the accused was held during the course of investigation which could have lend credibility to the prosecution's case. By now, it is well settled that where an accused is not previously known to the complainant or the eye witnesses, then his dock identification for the first time in the Court without any prior test identification parade does not carry any significant value in the eyes of law. Since, complainant and injured of the present FIR themselves have turned hostile, there is no sufficient or credible material/evidence available on record in order to establish the guilt of accused beyond reasonable doubt and as such he is entitled to benefit of doubt.

13 Accordingly, as an upshot of aforesaid discussion, accused **Vinod Kumar S/o Shri Dharam Singh** is hereby **acquitted** of all the charges as framed against him. His bail bond stands discharged. Accused is further directed to furnish personal bond in the sum of Rs.30,000/- with one surety in the like amount for the purposes of Section 437-A Cr.P.C. to

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secure his presence before the learned Appellate Court in case of any appeal being preferred against the present judgment of acquittal. Requisite bonds furnished. They are accepted and attested. They shall remain in force for a period of 6 months. Case property, (if any) be disposed of as per rules after the expiry of period of limitation for appeal/revision. File be consigned to record room after due compliance.

Announced in open Court: 04.07.2026

(Rishabh Aggarwal)
Judicial Magistrate Ist Class
Yamuna Nagar at Jagadhri.
UID No. HR0675

Note: This judgment contains eight pages and all pages duly checked and signed by me.

‘Sandeep’

(Rishabh Aggarwal)
Judicial Magistrate Ist Class
Yamuna Nagar at Jagadhri.
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