

State v. Deepak

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HRRH030147992026



Presented on : 03-07-2026
Registered on : 03-07-2026
Decided on : 16-07-2026
Duration : 0 years, 0 months, 13 days

IN THE COURT OF
Chief Judicial Magistrate
AT ,Rohtak
(Presided Over by Sh. Mohommad Sageer)

CHI/883/2026

State Vs. Deepak son of Baljeet, r/o Kachi Garhi
Mohalla, Rohtak.

FIR No. 176 dt. 06.06.2026.
U/S: 209 BNS (old 174A IPC)
PS: City, Rohtak

Present:- Sh. Deepak Chahal, APP for the State.
Accused Deepak in custody represented by Mr. Arvind Batra,
Advocate.

JUDGMENT:-

The above named accused was sent by the SHO of Police Station City, Rohtak in challan to stand trial for commission of offence punishable under Sections 209 BNS (old 174A IPC) in case FIR mentioned above.

2. The brief facts of the case are that an order has been received from this court containing the allegations that in the case titled as State Vs. Deepak CIS No. NDPS-58-2019, the accused has been declared as proclaimed offender vide order dated 20.05.2026 by the court of Sh. Anil Kaushik, ASJ, Rohtak. A direction to register an FIR under Section 209

(Mohommad Sageer)
CJM, Rohtak

BNS (174A of IPC) was given. In consequence of the same, the present case was registered. Investigation was conducted. Accused was arrested. After completion of investigation, challan against the accused for the commission of offence under Section 209 of BNS was filed.

3. On finding a prima-facie case accused was charge sheeted under Section 209 BNS (old 174A IPC), to which he pleaded not guilty and claimed trial.

4. In order to prove its case, prosecution examined following witnesses:-

PW-1 : Anil Madaan-Ahlmad

5. Beside these following documents are tendered:-

Ex. PW1/A	Copy of PO Order dated 20.05.2026
Ex. P1 & P2	FIR & Arrest memo

6. Thereafter, ld. APP for the State has closed the prosecution evidence vide his separate recorded statement of even date.

7. Statement of accused under Section 313 Cr.P.C was recorded, in which he pleaded innocence and alleged his false implication by the police. However, he opted not to lead any evidence in defence.

8. Learned APP for the State argued that the case of the prosecution has been duly proved and prayed for conviction of the accused.

9. However, ld. defence counsel has argued that the prosecution has miserably failed to prove its case against the accused beyond reasonable shadow of doubt.

10. I have duly considered the contentions advanced by the Learned defence counsel and learned APP for the State and have gone through the case file carefully and thoroughly, and I am of the considered view that the prosecution has successfully proved its case against the accused.

11. From the perusal of evidence produced on record by the prosecution, the prosecution has been able to establish that the accused has committed the offence under Section 209 BNS as he was declared Proclaimed person in the case titled as State Vs. Deepak VOD 20.05.2026. This fact stands established on record from the order Ex. PW-1/A issued by this Court.

12. Section 84 (3) of BNSS (old section 82 of Cr.P.C.) clearly provides that a statement in writing by the court issuing the proclamation to the effect that proclamation was duly published on a specified day, in the manner, specified in clause (I) of sub-section 2, shall be conclusive evidence that the requirements of this section have been complied with, and that proclamation was published on that day. In the present case, the order passed by this Court in the case titled as State Vs. Deepak VOD 20.05.2026, has been duly proved by the prosecution as Ex. PW-1/A, and therefore, it is conclusive proof that the accused had been declared as proclaimed person by

the Court as he did not appear in the Court on the date fixed and thereby committed offence under section 209 BNS.

13. As a result of above discussion, wherein from the order Ex. PW-1/A, it is established that accused has been declared Proclaimed Person in case titled as State Vs. Deepak CIS No. NDPS-58-2019. There is no dispute of identity, raised by the accused in this case. Further, even no suggestion has been taken by the accused to the effect that the order vide which the accused has been declared proclaimed person is wrong. Hence, the prosecution has been able to establish that the accused was declared proclaimed person, who has committed an offence under Section 209 BNS (old 174A IPC). Accused did not opt to lead evidence in his defence and, as such, prosecution has been able to establish the guilt against the accused for the commission of offence under Section 209 BNS (old 174A IPC). Consequently, he is hereby held guilty for commission of offence under Section 209 BNS (old 174A IPC). Let the convict be heard on quantum of sentence after lunch hours.

Announced in open Court.
Dated :-16.07.2026

(Mohammad Sageer)
Chief Judicial Magistrate,
Rohtak. UID No. HR0381.

Note: This Judgment contains 4 pages and all the pages have been checked and signed by me.

Dinesh

(Mohammad Sageer)
Chief Judicial Magistrate,
Rohtak. UID No. HR0381.

QUANTUM OF SENTENCE:-

Present: Sh. Deepak Chahal, Ld. APP for the State.
Convict Deepak in custody, represented by Sh. Arvind
Batra, LADC.

ORDER:-

Heard on quantum of sentence.

2. It has been urged on behalf of Learned defence counsel that convict is a poor person and have to look after his family. Except him, there is nobody else to look after his family. He shall not repeat such type of mistake again. He prayed that mercy be placed upon the convict so as to give him a chance to reform as a good citizen in the society.

3. Perusal of case file reveals that the accused remained in custody since 07.06.2026 to till date i.e. 16.06.2026, in the present case. Keeping in view the age, character, antecedents of the convict and nature of the offence in which he is involved, this Court is of the opinion that ends of justice would be met, if the convict is released on sentence already undergone by him as discussed above. Ordered accordingly. Convict be released forthwith, if not required in other case. Copy of this order be sent to Jail Superintendent, Rohtak for information. File be consigned to record room after due compliance.

Announced in open Court.
Dated :-16.07.2026

(Mohammad Sageer)
Chief Judicial Magistrate,
Rohtak. UID No. HR0381.

Dinesh