

State Vs. Ankit & Ors.**CNR No.HRSO030119802023****CHI/1547/2023**

HRSO030119802023



Presented on : 06-10-2023

Registered on : 06-10-2023

Decided on : 24-07-2026

Duration : 02 year, 09 month and 18 days

IN THE COURT OF JUDICIAL MAGISTRATE IST CLASS, SONEPAT
(Presided Over by Sh. Pardeep Singh)
CHI/1547/2023

State	Versus	1. Ankit son of Sunil, resident Khewra, Bahalgarh, Sonapat
		2. Vishal son of Randhir, resident of Khewra, Bahalgarh, Sonapat
		3. Akshay son of Rajender, resident of Khewra, Bahalgarh, Sonapat
		4. Ajay son of Rajender, resident of Khewra, Bahalgarh, Sonapat

.....Accused

F.I.R. No0273 dated 18.08.2023

U/s: 294,323,354,354D,506 R/W 34 IPC

Police Station: Bahalgarh, Sonipat.

Present: Sh. Sushil Kumar, Ld. APP for State.
Accused Ankit, Vishal, Ajay and Akshay on bail
Sh, Prveen Kumar, Advocate.

(Pardeep Singh)
JMIC, Sonapat
UID no. HR0704,

J U D G M E N T :-

This judgment adjudicates upon the trial of the above named accused for their involvement in offences punishable under Sections 294,323,354,354D,506 read with Section 34 of the Indian Penal Code (hereinafter referred to as IPC) on the report under section 173 of the Code of Criminal Procedure forwarded by the SHO, Police Station, Bahalgarh Sonipat, District Sonipat.

Prosecution story:

02. In a nutshell, the case of the prosecution as per complainant Soni is that accused persons in furtherance of their common intention uttered obscene words to her; have voluntarily cause simple hurt; have sexually harassed her intending to outrage her modesty; have followed her to foster personal interaction repeatedly despite clear indication of disinterest by complainant and further, criminally intimidated the complainant with dire consequences. She therefore, requested that necessary legal action may kindly be taken against the accused.

Investigation:

03. Upon the information a formal FIR was got registered and investigation were commenced. During investigation accused were formally arrested. Statement of witnesses were recorded. Accused persons were formally arrested. Further investigation was conducted. After completion of

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other formalities of the investigation, police report under section 173 Cr.PC. was submitted against the accused.

04. Copies of the police report were supplied to the accused free of costs in compliance of section 207 Cr.P.C.

Charge:

05. After hearing learned APP and learned counsel for accused and carefully examining the police report under Section 173 Cr.P.C. along-with the documents annexed therewith a prima-facie case under Sections 294,323,354,354D and 506 read with Section 34 of the Indian Penal Code was made out against the accused persons for which they were accordingly charge-sheeted, to which the accused persons pleaded not guilty and claimed trial.

Prosecution Evidence:

06. In oral evidence, the prosecution examined 05 witnesses .

07. Thereafter, the learned APP for the State was closed the evidence of prosecution vide statement dated 19.05.2026.

Section 313 Cr.PC. Statement:

08. When confronted with incriminating evidence that has come against them, the accused in their statement under Section 313 Cr.P.C. pleaded false implication and claimed innocence.

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Defence Arguments:

09. Learned defence counsel has argued that since the star/material witnesses have turned hostile, there is nothing on record to seek conviction of the accused. Hence, prayed for the acquittal of the accused.

10. I have heard learned APP and learned defence counsel and have appraised the entire evidence available on record along-with other material facts and circumstances surrounding the case.

Point of determination:

11. *The points of determination in this case is:-*

“Whether the prosecution has been able to prove beyond reasonable doubt that whether the accused have uttered obscene words to complainant ; cause simple hurt; have sexually harassed the complainant intending to outrage her modesty; have followed the complainant to foster personal interaction repeatedly, despite clear indication of disinterest by the complainant ; and whether the accused have criminally intimidated the complainant to kill her ?

Findings of the court:

12. In order to substantiate its allegations against the accused, the prosecution examined has examined as many as four witnesses. PW-1 Soni, PW2 Sandeep, PW3 Deepak and PW4 Krishan had resiled from their previous statements made to the police.

13. At the outset it is pertinent to note that complainant and material witness have not supported the case the prosecution version in any manner and have resiled from their previous statements made to the police.

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The complainant and other material witnesses stated that they have no knowledge about the present case and the accused persons present in the Court neither uttered any obscene word to complainant, nor caused any injury to complainant nor criminally intimidated the complainant. These witnesses were subjected to cross-examination by the Ld. APP for the State with the permission of the Court on the apprehension of suppression of truth. However, nothing fruitful could be culled out in favour of the prosecution despite lengthy cross-examination. These witnesses not only denied giving any statements to the police, rather went on to the extent of saying that police had obtained their signatures on some blank papers.

14. In Satish Mehra v/s Delhi Administration & Anr (1996 JCC 507) it was held by the Hon'ble Apex Court, “.....that when the judge is fairly certain that there is no prospect of the case ending in conviction the valuable time of the court should not be wasted for holding a trial only for the purpose of formally completing the procedure to pronounce the conclusion on a future date.”

15. Further, in judgment in case titled as *State of Rajasthan Vs. Teg Bahadur, 2004(4) RCR (Cr.) 538*, the Hon'ble Supreme Court of India has held that evidence of a hostile witness should not be totally rejected if submitted in favour of the prosecution or accused but it can be subjected to closed scrutiny and that portion of the evidence, which is consistent with the case of the prosecution or defence may be accepted. But in the facts and

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circumstances of the present case, nothing incriminating can be deduced against the accused from the evidences of the witness.

16. In the given circumstances, when the complainant has turned volte-face and had not supported the prosecution case in any manner, the testimony of remaining prosecution witnesses is rendered as merely hearsay evidence and cannot be relied upon. Since, the police has not conducted any independent enquiry or investigation, rather, had acted solely upon the alleged statement of complainant. When the complainant has herself resiled from her previous statement made to the police, the alleged police report u/s 173 of Cr. PC by the police officials no longer remains of significance.

17. It is quite possible that the parties might have compromised the matter outside the Court. However, the Court has not to delve upon conjectures and surmises but has to adjudicate the matter on the basis of evidence available on record. Since there is no cogent incriminating evidence available on the record against the accused, the point of determination posed at the outset is answered in negative. **Accordingly, by giving benefit of doubt accused present in the court are acquitted of the charges framed against them.** Their bail bond and surety bond stands discharged (if not already forfeited). Fresh bail bond and surety bond taken in sum of Rs.40,000/-each with one like surety as per provisions of Section 437-A Cr.P.C, to remain in force till period for filing of appeal expires. File, after due compliance, be **consigned** to the record room.

(Pardeep Singh)
JMIC, Sonapat
UID no. HR0704,

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A. PROSECUTION WITNESSES

Sr No	PW	Name	Role
1	PW1	Soni	Complainant
2	PW2	Sandeep	Material witness Husband of complainant
3	PW3	Deepak	Material witness
4	PW4	Krishan	Material witness
5	PW5	LHC Jyoti	Investigating Officer

B. DEFENCE WITNESSES

Sr No	DW	Name	Role
—	—	No defence evidence led	—

C. LIST OF PROSECUTION EXHIBITS

Sr No	Exhibit No.	Description	Proved by
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1	Ex.PW1/A	Complaint	PW-1 Soni
2	Ex.PW1/B	Statement under Section 164 Cr.PC	PW-1 Soni
	Ex.PW1/C	Statement of complainant	PW1- Soni
3	Ex.PW2/A	Statement u/S 161 Cr.PC	PW2 Sandeep
4	Ex.PW3/A	Statement u/S 161 Cr.PC	PW3 Deepak
5	Ex.PW4/A	Statement u/S 161 Cr.PC	PW4 Krishan
6	Ex.PW5/A	Police proceedings	LHC Jyoti IO
7	Ex.PW5/B	Copy of FIR	LHC Jyoti IO
8	Ex.PW5/C	Police Endorsement	LHC Jyoti IO

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9	Ex.PW5/D	Site Plan	LHC Jyoti IO
10	Ex.PW5/E/Ex PW5/F	Applications moved for recording statement of complainant under Section 164 Cr.PC	LHC Jyoti IO
11	Ex.PW5/G	Disclosure statement of accused Akshay	LHC Jyoti IO
12	Ex.PW5/H	Disclosure statement of accused Vishal	LHC Jyoti IO
13	Ex.PW5/I	Disclosure statement of accused Amit (juvenile)	LHC Jyoti IO
14	Ex.PW5/J	Disclosure statement of accused Rohit (Juvenila)	LHC Jyoti IO
15	Ex.PW5/K	Demarcation Memo	LHC Jyoti IO
16	Ex.PW5/L	Demarcation Memo by accused Ankit, Vishal and Akshay	LHC Jyoti IO
17	Ex.PW5/M	Demarcation memo by accused Ajay	LHC Jyoti IO

18	Ex.PW5/N	Disclosure statement of accused Ankit	LHC Jyoti IO
19	Ex.PW5/O	Disclosure statement of accused Ajay	LHC Jyoti IO
20	Ex.PW5/P	MLR of Soni	IO LHC Jyoti
21	Ex.PW5/Q	MLR of Sandeep	LHC Jyoti IO
22	Ex.PW5/R	Application moved for opinion of doctor	LHC Jyoti IO
23	Ex.PW5/S	Opinion of doctor	LHC Jyoti IO

Pronounced in the open Court:
On 24.07.2026

(Pardeep Singh)
Judicial Magistrate 1st Class,
Sonipat, (UID No.HR-0704)

All the pages have been checked and signed by me.

(Pardeep Singh)
Judicial Magistrate 1st Class,
Sonipat, (UID No.HR-0704)

Saroj

(Pardeep Singh)
JMIC, Sonapat
UID no. HR0704,

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Present: Sh. Sushil Kumar, Ld. APP for State.
Accused Ankit, Vishal, Ajay and Akshay on bail
Sh, Prveen Kumar, Advocate.

Today the case is fixed for defence evidence, if any and for arguments.

The accused have closed the defence evidence vide their separately recorded statement of even date.

Arguments heard. Order pronounced. Vide my separate judgment of even date, the accused have been acquitted from the charges levelled against them. Their bail bond and surety bond stands discharged (if not already forfeited). Fresh bail bond and surety bond taken in sum of Rs.40,000/- each with one like surety as per provisions of Section 437-A Cr.P.C, to remain in force till period for filing of appeal expires. File, after due compliance, be consigned to the record room.

Pronounced in the open Court:
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(Pardeep Singh)
Judicial Magistrate 1st Class,
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Saroj

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JMJC, Sonapat
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