

**In the court of Sh. Ramesh Kumar, PCS
Judicial Magistrate 1st Class, Derabassi**

IPC Challan No.82 dated 30.04.2019

CNR No. PBSAB10005872019

CHI-185-2019

Date of Decision: 01.11.2022

State

Vs.

Chokas Singh s/o Surinder Singh r/o vill. Jharmarri, Teh. Dera Bassi,
P.S.Lalru, Distt. SAS Nagar.

---Accused.

**FIR No.349 dated 20.10.2017
U/S 279,304A, 427 IPC,
Police Station–Zirakpur**

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Present:- APP for State.

Accused on bail with counsel Ch. Sanjay Singh, Adv.

JUDGMENT:-

The above named accused, has been sent up by the SHO of Police Station Zirakpur, to face trial of offences under section 279, 304-A & 427 of The Indian Penal Code (**hereinafter IPC**).

2. The brief facts of the prosecution case are that in the present case, the criminal machinery was set into motion by FIR No.349 dated 20.10.2017, U/S 279, 304A, 427 IPC, registered in Police Station Zirakpur, on the basis of statement of complainant Devansh s/o late Sh. Rambir Singh, recorded before the police to the effect that on 13.10.2017 he along with his father Rambir Singh was going from their home towards D-Mart on motorcycle bearing no. HR03R8470. His

father was driving the said motorcycle and he was pillion rider. At about 8 AM when they were going opposite to Megnesia Office towards Zirakpur on Ambala road, one car came from the Zirakpur side in rash and negligent manner and hit with their motorcycle and as a result of that collision they fell down on the road. His father got injuries on head, legs and shoulder. He also got injuries on his body. The driver of the offending car stopped at the spot for some time and when he was taking care of his father at that time said driver of the offending car ran away from the spot. He took his father in ambulance to Civil Hospital, Dera Bassi and where he was referred to GMCH, Sector-32, Chandigarh after giving first aid. Thereafter his father further referred from GMCH, Sector-32, Chandigarh to PGI, Chandigarh and during treatment on 19.10.2017 at about 9.15 PM he died.

3- On the basis of such statement of complainant, FIR for offences under sections 279, 304-A & 427 IPC was registered. Thereafter, the investigation was pressed into service. During the course of investigation, site plan of the place of occurrence was prepared, statements of witnesses under section 161 was recorded. Subsequently, accused was arrested in this case. After completion of investigation, challan under section 173 was presented against the accused person, before the Court, for the trial for offence under sections 279, 304-A of IPC.

4- Upon the appearance of the accused in the court, he was supplied with the copies of the police report and other documents

appended therewith, free of cost as per the mandatory requirement u/S 207 Cr.P.C. On the basis of prima facie case, charge under sections **279, 304-A of IPC** was framed against the accused, to which he pleaded not guilty and claimed trial.

5- Prosecution, to prove its allegations, examined HC Harpreet Singh, Investigating Officer, PW2 Devansh, complainant/eye-witness and PW3 Dr. Senthil Kumar. In his evidence PW2 Devansh, complainant/eye-witness deposed that he was not able to note down the number of said vehicle. He does not know the make of the offending car. He could not identify the accused. Even in his cross examination conducted by the APP, he failed to connect the accused with the commission of alleged offence. In this way the only star witness has resiled from his earlier stand. He was declared hostile at the request of Ld. APP, who cross examined him at length, but nothing fruitful in support of prosecution version came out of his mouth. Thereafter the prosecution evidence was closed by Ld. APP for the State as only star/eye witness P.W 2 Devansh had turned hostile and no improvement could have been made by examining the remaining witnesses.

6- Statement of the accused under Section 313 Cr.P.C. was recorded, in which all the incriminating circumstances appearing in the prosecution evidence against the accused, was put to him, which he denied and pleaded his innocence. Accused opted not to lead any defence evidence.

7 I have carefully heard learned APP for State and Learned

Advocate for the accused and have carefully gone through the evidence brought on the file.

8. Learned defence counsel has argued that in this case, the material witness i.e. PW2 complainant/ only eye-witness has not supported the prosecution case at all. So, involvement of the accused in the said occurrence does not made out from any material, therefore, accused may be acquitted from the charges leveled against him.

9- I have given careful thought to respective submissions of both the parties and gone through the evidence in line of said submissions. **PW Complainant/eye-witness Devansh**, at whose instance prosecution machinery was set into motion, has categorically deposed the above said facts and further made it clear that he was not able to note down the number of said. He does not know the make of offending car. He could not identify the accused. He was subjected to cross examination by learned APP but he failed to extract anything adverse against the accused. Even in his cross examination conducted by the APP, he failed to connect the accused with the commission of alleged offence. So there is no evidence on the record to link accused with present incident and the prosecution has badly failed to prove the identity of accused and his guilt beyond all reasonable doubts.

10. In the light of the nature of evidence led by the prosecution, it is held that prosecution has failed to prove charge against the accused beyond reasonable doubt and there is nothing on record to establish the guilt of the accused beyond the shadow of doubt,

therefore, the accused stands acquitted of the charges for committing offences punishable under section 279 and 304-A of The Indian Penal Code. Bail bonds and surety bonds stood discharged. File be consigned to Record Room after due compilation.

Pronounced In Open Court.
01.11.2022

Parveen

Stenographer-II

(Ramesh Kumar) PCS
Judicial Magistrate 1st Class
DERA BASSI(UID No.PB0456)

State vs. Chokas Singh CHI-185-2019

Present:- APP for State.
Accused on bail with counsel Ch. Sanjay Singh, Adv.

Statement of accused under section 313 Cr.PC recorded.

However, he opted not to lead any defence evidence.

Arguments heard. Vide my separate detailed judgment of even date, accused acquitted of the charges framed against him in this case. His bail bonds and surety bonds stand discharged. Compliance of Section 437-A of IPC has been made. File be consigned to the Record Room after due compliance.

Pronounced In Open Court.
01.11.2022

Parveen

Stenographer-II

(Ramesh Kumar) PCS
Judicial Magistrate 1st Class
DERA BASSI(UID No.PB0456)