

In the Court of Rahul Kumar,
Sub Divisional Judicial Magistrate, Bholath (UID-PB0348)

CNR No. PBKPC10015322020



Case No. CHI/120/2020

Presented on : 30-10-2020
Registered on : 30-10-2020
Decided on : 09-02-2023

State Versus	1. Harjit Singh son of Piara Singh, resident of Ward No.1 Begowal, District Kapurthala; 2. Ramneet Singh @ Nishan Singh son of Surinderpal Singh, resident of Ward No.9 Begowal, District Kapurthala; 3. Sarabjit Kaur daughter of Harjit Singh wife of Sawarn Singh, resident of Tahli, P.S.Tanda District Hoshiarpur.Accused
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FIR No.92 dated 04.11.2019
U/ss 323, 354, 34 IPC,
P.S.Begowal, District Kapurthala

Present : Sh.Vikas Sabharwal, Ld.APP for the State.
All accused on bail with Sh.Mandeep Singh Advocate.

JUDGMENT

The above accused have been sent up by SHO P.S.Begowal to face trial in FIR No.92 dated 04.11.2019, U/ss 323, 354, 34 IPC registered at P.S.Begowal, District Kapurthala.

2. The case of the prosecution briefly stated is that the present FIR has been registered at the instance of Amarjit Kaur (hereinafter called as complainant) with the version that she is a household lady having three children i.e. one son namely Gurpreet Singh and two daughters namely Taranpreet Kaur and Saranpreet Kaur. Her husband is residing abroad in Italy and she

is alone residing with her children. On 28.10.2019 at about 05:30 P.M., she was lightening the Diyas in front of her house. She further stated that Harjit Singh who is her neighbourer living on rent came to her and started abusing her and on asking he started beating her alongwith Ramneet Singh @ Rinka who was holding sharp thing in his hand gave blow on her which hit on his little finger of left hand. Said Harjit Singh gave blow of fist on her wrist with dishonest intention to outrage her modesty and torn her clothes. Thereafter, Sarabjit Kaur came at the spot who was holding stick in her hands and gave stick blow on her head. She further stated that Gurpreet Singh who is maternal grandson of Harjit Singh caught hold her hair and thrown her on the ground. Thereafter, all the accused beaten her with fist and kicked on her stomach. She further stated that during this scuffle, her mobile phone and gold ear ring fell on the ground. She further stated that the motive behind the occurrence is that they have dispute with regard to property so that is why Harjit Singh alongwith his family members beaten her. On the basis of the statement of the complainant, the present FIR was registered against the accused. Rough site of the place of occurrence was prepared. Statements of witnesses were recorded. Medical evidence was collected. Thereafter, accused were joined the investigation and released on bail as per orders passed by the Ld.Addl.Sessions Judge Kapurthala. On completion of investigation and other formalities,

challan against the accused persons was presented in the Court.

3. **On appearance, copies of the challan** as required under section 207 Cr. P.C. were supplied to the accused free of costs.

4. **Finding prima facie case** against accused, **charge** was framed against them under Sections 323,354,34 IPC to which accused pleaded not guilty and claimed trial.

5. **In order to prove its case against accused**, prosecution examined **PW-1 Amarjit Kaur** complainant, **PW-2 L/CT Rajvir Kaur No.387/Kpt.** and **PW-3 Dr.Inderjit Kaur Medical Officer Civil Hospital Bholath**. Thereafter, Ld.APP closed the prosecution evidence.

6. **On closure of prosecution evidence**, statements of accused under Section 313 Cr.P.C. were recorded wherein incriminating material appearing against them was put to them to which, they denied and pleaded innocence and false implication and opted not to lead defence evidence.

7. **I have heard learned APP for the State** and learned defence counsel at length and have gone through the evidence on record carefully. The points of determination in the present case arise as under:

“Whether on 28.10.2019 at about 05:30 A.M. in the area of Ward No.1 under P.S.Begowal, the present accused persons in furtherance of their common intention voluntarily caused hurt on the person of complainant Amarjit Kaur and further the present accused persons in furtherance of their common intention outrage the modesty of complainant Amarjit Kaur by torning her clothes and making indecent sexual advances?”

8. **To prove its case**, prosecution examined **PW-1 complainant**

Amarjit Kaur, who during her testimony in the Court deposed that she does not identify the accused present in the Court and she does not know anything about the occurrence dated 28.10.2019. Upon this deposition, this witness was got declared hostile by the prosecution and Learned APP for the State cross examined this witness at length but nothing fruitful to the version of prosecution could be brought out from the mouth of this witness. She was confronted from portion to portion of her statement but the case of the prosecution could not be improved upon.

9. **PW-2 L/CT Rajvir Kaur No.387/Kpt.** deposed that on 23.05.2020, she was member of police party. On that day victim produce torn suit (cloth) before Investigating Officer and Investigating Officer prepared memo of the same **EX.P1/PW-2** and she signed the said memo.

10. **PW-3 Dr.Inderjit Kaur Medical Officer, Civil Hospital Bholath** deposed that on 28.10.2019 at about 08:20 P.M. she medico legally examined complainant Amarjit Kaur and proved on record computerized MLR of Amarjit Kaur **EX.P1/PW-3**, Xerox copy of MLR **EX.P2/PW-3** and bed head ticket **EX.P3/PW-3**.

11. **In the present case**, the star witness of the prosecution i.e. **PW-1 complainant Amarjit Kaur**, on whose statement the criminal law was set into motion has turned hostile and did not support the prosecution story and stated that she does not identify the accused present in the Court and she does not know anything about the occurrence dated 28.10.2019. **PW-2 and PW-3** are formal being the official witnesses. It is pertinent to mention here that the material witness/star witness **PW-1** has been turned

hostile, therefore, the accused persons cannot be connected with the commission of offences alleged to have been perpetrated by them. To level accusations is one thing and to prove the same and that also beyond all reasonable doubts is another thing. Notwithstanding, accusations levelled against the accused, the prosecution has failed in proving its case against the accused persons beyond all reasonable doubts. It is established law that prosecution has to prove its case beyond all reasonable doubts and if there is any doubt then the benefit of the same must go to the accused over all.

12. **In these circumstances**, from the evidence on the file this Court is of the view that once there is not even an iota of incriminating evidence on file against accused, this Court is of the view that prosecution has failed to prove guilt of accused persons beyond any reasonable doubt and benefit of doubt always goes to accused and as such in the absence of any evidence this Court has no option but to acquit the accused of the charges framed against them. Hence, accused namely **Harjit Singh, Ramneet Singh @ Nishan Singh and Sarabjit Kaur** are acquitted of charges framed against them in this case. Their bail bonds and surety bonds stand discharged. The case property, if any be dealt with under rules. This file be consigned to Record Room, after due compliance.

Pronounced in Open Court.
Dated:09.02.2023
(Munish)
(Dictated directly on the computer)

(Rahul Kumar)
Sub Divisional Judicial Magistrate
Bholath (UID-PB0348)