

**In the Court of Sh Tarun Walia, PCS,
Judicial Magistrate Ist Class,
Sardulgarh (UID:PB0828)**

CNR No.PBMNB1-000399-2025.
CHI No. 132/2025.
FIR No.191 of 22.11.2024.
U/s 223 BNS.
P.S. Jhunir.
Decided on: 28.10.2025.

State Versus 1. Savinder Singh s/o Anoop Singh r/o
Heerke, District Mansa

.....Accused

Present: Dr. Parminder Kaur APP for the State.
Accused Savinder Singh on bail with Sh. SS Dhaliwal Adv.

JUDGMENT

1 The accused named above has been sent up by the SHO, PS Jhunir to face trial under Section 223 of BNS.

2 The brief facts of the prosecution case are that on 22.11.2024, HC Roop Singh along with fellow officials, on private vehicle, going in the area of PS Jhunir for patrolling, checking of suspected persons and preventing the stubble burning. When police party were present at bus stand Village Heerke, then Nodal officer Simranjit Singh alongwith Halqa Patwari Hardeep Singh, Village Heerke met them and gave satellite data dated 20.11.2024 of village Heerke in which on longitude 75.388 latitude 29.718, location was received where stubble was burning. Then Halqa Patwari also gave report and as per Jamabandi year 2018-19 for stubble burning was found in the Khasra no. 101//19 in Khewat no. 259/410 which was in the name of Arshdeep Sandhu s/o Ajit Singh, Gurdial Singh s/o Bahal Singh, Savinder Kaur w/o Nishan Singh, Baljinder Singh,

Swaran Singh both sons of Joginder Singh. Thereafter, they reached in the abovesaid area and it was found that abovesaid land was cultivating by Savinder Singh s/o Anoop Singh r/o Heerke as above said land was taken on contract basis by the Jagga Singh. Finding the information to be reliable, ruqa was sent through PHG Najar Singh for registration of FIR against Savinder Singh. IO prepared rough site plan. Statements of witnesses were recorded. *Finally*, after completion of all necessary formalities of investigation, challan was presented in the Court against the accused for alleged commission of offence punishable u/s 223 BNS.

3. On appearance of accused in the Court, copies of documents relied upon by the prosecution were supplied to him free of costs as required under Section 230 BNSS.

4. Finding a *prima facie* case against the accused, charge sheet under Sections 223 of BNS was framed against the accused, to which, he pleaded not guilty and claimed trial.

5. In order to prove its case, prosecution examined HC Roop Singh as PW1, Vipin Goyal Clerk as PW2 through VC. Thereafter learned APP for the State closed the prosecution evidence.

6. The statement of accused under Section 313 Cr.P.C. was recorded putting to him the entire incriminating evidence, to which, accused pleaded innocence and false implication and do not want to lead any defence evidence.

7. I have considered the rival contentions raised by the learned APP for the State as well as learned defence counsel and also gone

through the case file very carefully.

8. The charge has been framed against the accused under section 223 of BNS and prosecution with the motive to prove its case has examined PW-1 HC Roop Singh, Investigating Officer, has proved the investigation and memos i.e. ruqa Ex. P1, FIR Ex.P2, endorsement on ruqa Ex. P3, rough site plan Ex. P4, copy of the order passed by DM Ex. P5 and complaint under section 195 Cr.P.C., Ex.P6 and report of Nodal Officer Ex. P7. He recorded statement of witnesses. After that he transferred from PS Jhunir.

9. PW-2 Vipin Goyal Clerk appeared through VC in the court and proved copy of the order passed by DM Ex. P5 and complaint under section 195 Cr.P.C., Ex. P6.

10. Learned APP for the State has prayed for conviction and for sentencing the accused by stating that prosecution has fully proved its case beyond reasonable doubt. He further argued that all the material documents have been proved and he prayed for conviction of accused.

11. On the other hand, learned defence counsel has argued that the prosecution has failed to prove its case beyond reasonable shadow of doubt. He further stated that accused has not committed any type of crime and prayed for acquittal of the accused.

12. In the present case, the following point of determination arise:-

- Whether on 22.11.2024, in the area of PS Jhunir, accused was found disobeyed the order duly promulgated by District Magistrate,

Mansa by setting fire to the remains of crop and thereby committing an offence punishable u/s 223 BNS?

13. After appraisal of the prosecution evidence, it is noticed that accused herein has been alleged to have acted in disobedience of the administrative directions issued via proclamation of DM, Mansa prohibiting the stubble burning in the area of Jhunir. If the prosecution case is examined in detail, it would lead to conclusion that PW1 HC Roop Singh, I.O. has thoroughly proved the entire investigation and the memos prepared during the course of investigation. PW-2 Vipin Goyal Clerk has proved orders so issued by District Magistrate as Ex. P5 and complaint under section 195 Cr.P.C. Ex. P6.

Though it has been argued by learned defence counsel that accused has been falsely implicated in the present case however, accused could neither create any reasonable doubt in the prosecution case nor could lead any independent evidence to prove said fact. The complaint was moved by a public servant well before registration of present FIR against the accused. Moreover, all above ssaid witnesses have not been cross-examined from the side of defence, which goes to show that the accused has admitted the case of the prosecution.

14. The arguments of Ld. defence counsel that the police party has not joined any independent witness despite of their availability and benefit of non-joining any independent witness must go to the accused. This Court does not agree with the contention of ld. defence counsel because official witnesses examined by the prosecution are as good as the private

witnesses. The witness examined by the prosecution has given his testimony before this Court in a consistent manner and as per story of the prosecution. Moreover, in these days, nobody is willing to join the police proceedings in order to avoid enmity with the accused.

15. In view of the discussion made above, this court comes to the conclusion that since the accused was found disobeying the directions issued by the public servant in his official capacity i.e. District Magistrate and was found burning stubble/paddy straw by fire, so the onus was upon accused to prove the defence that he has been falsely implicated in the present case. Rather, there is no defence on this point. Henceforth, in the opinion of this court the accused is held guilty for commission of offence punishable u/s 223 of BNS for being found in disobedience to the directions issued by public servant i.e. District Magistrate and was found burning stubble/paddy straw by fire and accordingly convicted. His bail bonds and surety bonds are cancelled and forfeited to the State. Let the accused be now taken into custody and further be heard on quantum of sentence.

Pronounced: **28.10.2025**

Tarun Walia
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Teena

QUANTUM OF SENTENCE

Present: Dr. Parminder Kaur APP for the State.
Convicts Savinder Singh on bail with Sh. SS Dhaliwal Adv.

16. I have heard Learned APP for the state and convicts are person on the quantum of sentence and have gone through the record very carefully. The convicts have prayed for taking a lenient view that they are poor person and are only bread winner of the family.

17. The plea raised on behalf of the convict has been considered. Keeping in view the nature of the offence for which accused has been found guilty the convicts are sentenced to pay fine of Rs. 500/- and in default of payment of fine to undergo simple imprisonment for five days, under Section 223 of BNS. Fine paid. Copy of judgment be supplied to convict free of costs. The file be consigned to the Judicial Record Room.

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