

In the Court of Asst. Commr. Sudder
Magistrate First class, Cuddalore District - (Bhindhar)

Criminal Case No. 1503/13

Date of Institution: 16/12/13

Machya Poudesh Shree Chhoring
Station house officer Police station
Mau. District - Bhindhar (M.P.)

— Prosecution

Version.

- (1) Ekilakh Khan S/O Samad Khan Age
35 years
- (2) Arshiq Ali S/O Ashraf Ali Age 32 years
All residents of ~~Dist~~ Cuddalore Taluk P.S.
Mau. District - Bhindhar (M.P.)

Judgment.

Pronounced on 17/11/16



On the basis of composition of offence, accused
Arshiq is acquitted of charge under sections
323/34-IPC.

- (1) Above mentioned accused are tried for
charge under sections 323/34 for voluntarily
causing hurt to Abdul Rafiq (P.W. 1) to extort

money. Accused Eklakh is also charged for charge under section 323/34 for voluntarily causing hurt to Rafiq (P.W.1) in furtherance of common intention with co-accused.

(V) Case of prosecution in brief is on 18/10/13 complainant Abdul Rafiq (P.W.1) was going to his shop. Accused came to him, holding clatti in their hand and asked money from complainant to drink cigarette. When complainant denied to give money, accused Eklakh inflicted clatti on complainant resulting injury on his hand and on his back. Accused Aashiq inflicted clatti on complainant head. Arzam Khan & Wasim Khan seen the incident. Complainant informed his father Abdul Rasid Khan who was at Gwalior. On returning of his father complainant lodged FIR against accused in police station Naini. On the basis of P.W.1 Ex.01 criminal case No. 237/13 was registered against accused. Matter was taken up for investigation. After investigation as prisoner case was made out against accused, chargesheet was filed against them.

सिवाजी गिरी
माहिती मंत्रालय, दिल्ली
नवम्बर २०१३

(4) Accused denied charges and claimed its justified. No defense motion was examined.

(5) The case involves following points of determination

(1) whether accused Ekbal Singh is accused or further one of common intention caused voluntary hurt to complainant Abdul Rafiq (P.W.1)?

(2) whether accused caused voluntary hurt to complainant Abdul Rafiq (P.W.1) the accused jointly with intention to extort money from complainant?

Reason for determination of Point No. 1 & 2

(1) Complainant Rafiq (P.W.1) has deposed that he knows accused. He had argument with accused, about which he lodged F.I.R. against them with which A.P.A. bears his signature. 3rd Map Ex. P.1 bears his signature at A.P.A. part. Police does not engaged him. Prosecution declared the witness as hostile and on asking leading question to the witness, the witness denied that accused have asked money from him, and on doing accused beaten him. Attention of the

version is drawn on L.I.R (L.I.R) and Statement (L.I.R) which contains statement of complainant next to complainant, its which complainant denied to have given such statement to police.


(a) Complainant L.I.R (L.I.R) is material version of prosecution & as he is the eye witness and unbiased witness and according to case of prosecution, murder took place against him. But the complainant L.I.R (L.I.R) in his evidence specifically denied of being extorted with money and being caused hurt with accused. As this important version does not support the case of prosecution the prosecution fails to prove its case.

(b) Therefore accused Eklatz and Hashig are acquitted of charges under section 302/304 and accused Eklatz is acquitted of charge under section 303/304/302.

(a) Bail and Bond of accused are hereby discharged.

(b) Copy of order be destroyed after appeal period. In case of appeal the order of appeal shall come to address.

Date: 13/11/16


Magistrate (Traffic)
Muzaffargarh District
Muzaffargarh

Engr. Asim Khan