

State Vs Murari Lal

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**IN THE COURT OF SH. ANIL KUMAR, JUDICIAL
MAGISTRATE Ist CLASS, NARNAUL, HARYANA**

CHI/463/2018

CNR No. HRNR03-002551-2018

Date of Decision: 25.10.2018

STATE

Vs.

1. Gajraj Singh s/o Narayan Singh r/o Dhani Thakran, PS Nangal Chaudhary.
2. Murali Lal s/o Hanuman Prasad r/o Behrod Road PS Nangal Chaudhary
3. Manoj Kumar Meena s/o Kanhiya Lal r/o Bhupseda PS Basnasur District Alwar Rajasthan

FIR No: 377 dated 05.11.2017

U/s: 332, 353, 506 & 34 of IPC 1860

Police Station: Nangal Chaudhary, Haryana.

Present : Sh. Vivek Kumar, Learned Public Prosecutor for the State
Accused Manoj on bail with Sh.Sanjay Sankhala, Advocate
Accused Gajraj on bail with Sh.Nitin Mehta, Advocate.
Accused Murari on bail with Sh.V K Shandilya, Advocate

JUDGMENT:

The above named accused has been sent up by Station House Officer, Police Station, Nangal Chaudhary, to stand trial for the commission of offence punishable under Sections 332, 353, 506, 34 of Indian Penal Code.

2. The thrust of the prosecution story as per the final report under section 173 Cr.P.C. is that a complaint was received from superintendent Umesh Kumar Nitharwala PS PBI Health Building Jaipur. An informer provided the information that an agent of Khetdi Tiba Basai and Dr Murari at Narnaul Chaudhary are illegally detecting the sex of foetus during the check-up of pregnant women. On the basis of this information, to check the validity and correctness of information, FC Shankar Lal, FC Devinder Singh, PC PNNDT coordinator Jhunjhunu

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Sh. Dinesh Kumar, PC PNDDT coordinator Sikar Sh. Nand Lal Punia, Sh. Sanjeev Mehta and HC Sanwermal along with others reached the at Narnaul Chaudhary and inquired the Doctors present in hospital and on this Dr Murari Lal got agitated and other people also started making noises. Gajraj and Manoj Meena called other people and they all physically assaulted them. By this act they all interfered in the sovereign function and also threatened them. People disrobed them by tearing their clothes.

3. On the basis of this application /complaint, the instant case was registered. The matter was duly investigated. Statements of witnesses under Section 161 Cr.P.C. were recorded. The accused was arrested. After completion of necessary investigation, challan was presented before the Court for trial of the case.

4. Copies of challan and other documents were supplied to accused free of costs as envisaged under section 207 Cr. P. C.

5. I have given a thoughtful consideration to the contentions raised by learned Public Prosecutor for State and learned defence counsel on the point of framing of charge and have gone through record very carefully.

6. After hearing the contentions raised by learned Public Prosecutor for State and learned defence counsel and having gone through the record very carefully, this Court is of the considered view that as per the complainant version, they reached at Narnaul Chaudhary to inquire about the validity of secret information qua the sex determination of foetus by checking the pregnant ladies. But nowhere complainant stated that he was authorised to conduct a raid on the aforesaid hospital at Narnaul Chaudhary. The team of inspecting officers including the complainant belongs to territory of Rajasthan

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state and they all conducted the raid in the territory of Haryana state without informing/taking help of local police. Complainant also failed to produce any authorisation letter for the conduct of raid in the territory of Haryana state. All this shows that no prima facie charges are made out against the accused as the raiding team has conducted the raid without due permission. Here it is also important to mention that the raiding team has no territorial jurisdiction to conduct the raid.

In the light of above the record placed on file is insufficient to prove that prima facie any of the accused have committed any offence as mentioned in the final report under section 173 Cr.P.C, the evidence on record is not sufficient to frame the charges against the accused, so, all three accused are hereby discharged. The bail bonds and surety bonds of accused also stand discharged. File be consigned to records after due compliance.

Announced in open court :

25.10.2018.

**ANIL KUMAR
Judicial Magistrate Ist Class, Narnaul
25.10.2018, UID-HR0524**

Certified that all the pages of this judgment are dictated, checked and signed by me.

Announced in open court :

25.10.2018.

**ANIL KUMAR
Judicial Magistrate Ist Class, Narnaul
25.10.2018, UID-HR0524**