

**Present:- Sri N. J. Haque, CJM, Sonitpur, Tezpur**

**Dhekiajuli PS Case No-378 of 2021**  
**U/S-279/338 of IPC**

ORDER

23.08.2021

Case record put up today before me along with a prayer of the I/O SI Bhaity Ahmed of Dhekiajuli PS Traffic Branch, wherein he prayed to add Section-304(A) of IPC.

Heard and perused the case diary in the backdrop of the prayer filed by the investigating officer.

On perusal of the case record it unveiled before this court that criminal law sets in motion closely on lodging an ejahar by informant named Sri Ratul Sen before the O/C of Dhekiajuli PS stating that on 21.06.2021 at about 7 PM, his father named Sri Nalini Sen (Since deceased) was proceeding from Lulukai Pirakota Centre to the house of his daughter situated at No-2 Pirakota on foot, suddenly, one vehicle bearing Regd. No-AS-12/W-7297 (Super Splendor), driven by Sri Dhananjay Baishya in a rush and negligent manner knocked his father Sri Nalini Sen and due to that his father sustained grievous injuries. Thereafter, the injured was immediately taken to Tezpur Times Hospital, Tezpur for his treatment. The I/O in his prayer categorically mentioned that informant informed him over phone that on 05.07.2021 the injured succumbed to his injuries at his house. In this regard, the I/O has submitted a photocopy of post mortem report of the deceased Nalini Sen.

Subsequently, Dhekiajuli PS Case No-378 of 2021 was registered u/s-279/338 of IPC.

The I/O in his prayer of adding Section-304(A) of IPC stated that during investigation he has recorded the statement of the witnesses including the informant, prepared the sketch map at the place of occurrence,

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conducted MVI examination of aforementioned vehicle, collected post mortem report of deceased and also collected the vehicular documents.

In the background of prayer filed by the I/O, the court has squarely scrutinized the entire case diary. Considering the statement of the informant as well as the associating constituents originated from the statements of the witnesses, at this stage without in flowing into the merits of dispute in hand, this court finds sufficient reason to allow the prayer of the investigating officer.

As such, for the sake of proper investigating and also for the ends of justice, this court finds that there is every chance of defeating justice if the prayer of the I/O is not allowed at this stage.

Therefore, the prayer of the I/O for adding section-304(A) of IPC is allowed and consequently the O/C of Dhekiajuli PS sets at liberty to add section-304(A) of IPC.

Inform all concerned.

Return back the case diary to the I/O.

Sri N. J. Haque  
Chief Judicial Magistrate  
Sonitpur, Tezpur