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G.R No-2291 of 2014
(State of Assam Vs Md. Sukur Ali)

IN THE COURT OF CHIEF JUDICIAL MAGISTRATE, SONITPUR:: TEZPUR

G. R. Case No. 2291 of 2014

Under section 279/337/338/304(A) of I.P.C

Present:- **Sri N. J. Haque, AJS,**
Chief Judicial Magistrate,
Sonitpur, Tezpur

State of Assam

-Vs-

Md. Sukur Ali

S/O:- Md. Hazarat Ali

R/O:- Akabasti Bongali Gaon

P/S:- Chariduar

Dist:-Sonitpur, AssamAccused

Advocate appeared:

Mr. Niranjana Saikia, Asst. P.P..... For the State

Mr. Bijoy Basumatary, Ld. Advocate.....For the accused person

Evidence recorded on	:- 28.12.2015, 05.04.2017, 24.07.2018, & 28.09.2018,
Date of Statement of defence	:- 04.11.2020
Argument heard on	:- 04.11.2020
Judgment delivered on	:- 10.11.2020

J U D G M E N T

History of Prosecution's Case

1. Prosecution case appears to be in a nutshell is that on 18.09.2014, one Md. Abdul Rahim lodged an Ejarah before the O/C of Chariduar P.S alleging inter alia that on 07.09.2014 at about 6:30 PM, while his elder brother Abdul Sukur was standing in between Bhalukpong and Balipara road, suddenly one vehicle bearing Regd. No. AS-12/E-8639, coming from Bhalukpong side towards Balipara, in a rash and negligent manner, knocked his brother and due to that his brother sustained grievous injuries all over his body. It is also alleged that immediately after the accident his brother was taken to Kanaklata Civil Hospital, Tezpur through 108 Ambulance, Tezpur for his treatment and from there he

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was referred to GMCH and however, on 08.09.2014 at about 5 AM, his brother Abdul Sukur succumbed to his injuries during his treatment at GMCH,.

"INVESTIGATION"

2. On receipt of the Ejahar, Chariduar PS Case No. 100 of 2014, u/s 279/304(A)/427 of I.P.C was registered and investigation into. On completion of the investigation, the I.O. of this case submitted charge sheet u/s 279/304(A)/337/338 of I.P.C against the accused person named Md. Sukur Ali.

CHARGE & TRIAL

3. In pursuant to the court's process, the accused person appeared before the court and he was allowed to go on bail. Copies u/s 207 of Cr.P.C was furnished to the above-named accused person. After hearing both side, particulars of offences u/s 279/337/338/304(A) of I.P.C was read over and explained to the accused person by my Ld. Predecessor in office, to which he pleaded not guilty and claimed to be tried.

STATEMENT OF DEFENCE

4. The prosecution side to prove the guilty of the accused person examined as many as 07 (Seven) numbers of witnesses including the informant, medical officer and the injured. Considering the testimonies of witnesses, prosecution side declined to adduce further evidence before this court. Hence, the evidence of prosecution side is closed. Accused is examined u/s 313 Cr.P.C and his pleas of denial were recorded in separate sheet and the same kept with the case record. Accused declined to adduce evidence on his defence.

ARGUMENT

5. I have heard arguments of both sides, gone through the case record in the backdrop of evidences presented before this court by prosecution side.
6. **The points for determination in this case are:-**

- (i) **Whether on 07.09.2014, at about 06:30 PM, at a place called 10th Mile under Chariduar PS, accused drove the vehicle bearing Regd. No. AS-12/E-8639, in a rash and negligent manner and such driving of accused creates endanger to the life of Abdul Sukur and Abdul Rauf and thereby committed an offence punishable u/s 279 of IPC?**

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- (ii.) **Whether on the same date, time and place, accused drove his vehicle bearing Regd. No AS-12/E-8639, in a rash & negligent manner and knocked the brothers of informant, namely, Abdul Sukur and Abdul Rauf causing hurt by imperilling their lives and safety thereby accused committed an offence punishable under section-337 of I.P.C?**
- (iii.) **Whether on the same date, time and place, accused drove the motor cycle bearing registration no. AS-12/E-8639 (TATA ACE), in a rash and negligent manner and such driving of accused creates endanger to the life of victim Md. Abdul Rauf, who was standing at 10th mile and further sustained grievous injuries and thereby committed an offence punishable u/s 338 of IPC?**
- (iv.) **Whether on the same date, time and place, accused drove the TATA ACE vehicle bearing Regd. No. AS-12/E-8639 in a rash and negligent manner and hit the informant's brother Abdul Sukur, who was standing near the road and due to such negligent driving of accused informant's brother died and thereafter committed an offence punishable u/s 304(A) of IPC?**

EVIDENCES OF PROSECUTION SIDE

7. In this case prosecution side to prove the contentions of the Ejahar examined seven numbers of witnesses including informant, victim and the medical officer. Let us reproduce the evidences of prosecution side for the sake of proper appreciation of evidences. PW-1, Md. Abdul Rahim being the informant of this case deposed that he knows the accused person standing in the dock. He further deposed that on 07.09.2014 at about 6:30 PM, his brothers namely, Md. Abdul Sukur (since deceased) and Md. Abdul Rauf were waiting at 10th mile after marketing, suddenly, one vehicle which was coming from Bhalukpong towards Balipara side hit them and due to that his brother Md. Abdul Sukur sustained head injury and another brother Md. Abdul Rauf sustained hand broken injury. Thereafter, the local people took them to Balipara hospital for their treatment and from there they were shifted at Kanaklata Civil Hospital, Tezpur. He further deposed that he came to know about the incident over phone from the place of occurrence and thereafter, he immediately went to

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Tezpur Civil Hospital and there he found the victims. He also deposed that the victims were referred to GMCH, Guwahati. However, on 08.09.2014 at about 5:30 AM his brother named Abdul Sukur succumbed to his injuries during his treatment at Guwahati. Later, he lodged the ejahar. He identified the ejahar as Ext-1 wherein Ext-1(1) is his signature.

8. PW-1 in his cross examination testified that he lodged the ejahar after one week of the death of his brother. He further deposed that the ejahar was written by a person who was working at the police station. But he does not know the said person, who wrote the ejahar. He also admitted that he has not mentioned the reason of delay in lodging the ejahar. He denied the fact that the ejahar was not written as per his narration. He admitted the fact that he had not seen how the alleged incident took place. He denied the fact that the number of the vehicle which he had mentioned in the ejahar was not involved in the alleged incident.
9. PW-2, Md. Baharul Alam deposed that he knows the informant as well as the accused of this case. He deposed that the incident around one and half years back at about 6:30 PM, while he along with Sukur Ali, Abdul Rauf, Arfan Ali were travelling as a passengers, proceeding from Bhalukpong towards 10th mile, the said vehicle stopped due to some mechanical failure and they got down from the said vehicle but later he did not know what had happened.
10. PW-3, Md. Arfan Ali deposed that he knows the informant as well as the accused person of this case. He deposed that the incident took place around one and half years back at about 6:30 PM and at the relevant time, while he along with, Baharul, Abdul Sukur, Abdul, Sirajul, Ajmal Ali were travelling as a passengers in a Cruiser vehicle after marketing, thereafter, the said vehicle stopped due to some mechanical failure. He further deposed that when they got down from the vehicle, they gave a signal to another vehicle bearing Regd. No. AS-12/E-8639 to stop, which was coming from Bhalukpong side, but said vehicle knocked them and fell down and due to that Sukur Ali and Baharul sustained injuries. Thereafter, he took the victims to Balipara hospital through a Tata Sumu vehicle. Later, he informed the family members of the victims.

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11. PW-3 in his cross examination testified that Abdul Rauf and Abdul Sukur were waiting near the place of occurrence. He deposed that he did not know as to whether there was another vehicle, which was coming from Balipara towards Bhalukpong. He denied the fact at the time of occurrence the alleged offending vehicle to give the side of another vehicle rolled down on the road. He deposed that he don't know whether the vehicle which was going towards Bhalukpong from Balipara was putting any dipper or not. He denied that the accident took place due to the fault of the accused. He also denied the fact that he had stated before the police that at the time of occurrence one vehicle was coming from Balipara side without putting any dipper. He also denied the fact that he had not stated before the police that when they gave a signal to a vehicle bearing Regd. No. AS-12/E-8639 which was coming from Bhalukpong side had knocked them and over turned. He denied the fact that he had falsely stated that they were waiting at 10th mile. He deposed that he cannot say the accident occurred due to the fault of the vehicle which was coming from Balipara side.
12. PW-4, Md. Ikramul Alam deposed that he knows the informant and the accused of this case. He deposed that the incident took place around one year back in between 6 PM to 6:30 PM and on the day of incident; he came to know from Arfan Ali over phone that an accident took place at 12th Mile. He also learnt from Arfan Ali that Baharul Alam met with an accident and told him to go to Balipara CHC. Thereafter, he went there. He further deposed that the doctor shifted Baharul to Kanaklata Civil Hospital and from there he was referred to TMCH. He further deposed that from TMCH the injured was referred to GMCH for better treatment wherein Baharul was admitted for about 12 days and later took him back to their house. PW-4 in his cross examination testified that he did not know how the accident took place. He deposed that he has no personal knowledge about the alleged incident.
13. PW-5, Abdul Rauf who is the victim of this case deposed that he knows the informant and the accused person of this case and the incident took place on 07.09.2014. He further deposed that on the date of the incident, he along with his brother Sukur Ali (presently died), Baharul Alam were travelling in a Cruiser

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vehicle as a passenger, proceeding from Bhalukpung towards Balipara. He also deposed that the said vehicle stopped on the road due to some mechanical failure and when they got down from the vehicle, one TATA ACE vehicle hit them from back side. When he woke up, he saw his brother Sukur Ali was lying in an unconscious condition. He further deposed that Baharul Alam also found in an unconscious condition and he was shifted at GMCH, Guwahati. He also deposed that his left hand had broken and also sustained injuries all over his body in the said accident. Moreover, he deposed that his brother Md. Sukur Ali was shifted to GMCH for his treatment. However, on the next day morning, his brother succumbed to his injuries. He deposed that the TATA ACE vehicle was driven by the son of Hazarat Ali named Sukur Ali. But he did not know how the vehicle was driven. He was treated at Balipara hospital.

14. PW-5 in his cross examination testified that the incident took place at about 6 PM and it was dark. He denied the fact that he had stated before the police that his brother Sukur Ali and Baharul saw a vehicle, which was coming from Bhalukpong side and thereafter, they saw a signal to the said vehicle by showing their hands. He further deposed that the place where they were standing it was having a turning. He denied the fact that no such incident occurred due to the fault of the accused.
15. PW-6, Asmat Ali deposed that the incident took place on 07.09.2014 at about 6:30 PM at 10th mile and at the relevant time, he along with other persons was waiting adjacent to the road for bus. Thereafter, on seeing one TATA Magic vehicle, one of them gave signal to the said vehicle to stop there. He also deposed that the said TATA Magic vehicle coming in a high speed and when tried to stop, the said vehicle lost its control and hit Abdul Sukur, Baharul Ali who were waiting there and thereafter over turned. He deposed that the injured persons were immediately taken to Balipara hospital and from there they were shifted at Guwahati for their treatment. However, one of them named Sukur Ali died at GMCH. He admitted that he had seen the alleged incident.

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16. PW-6 in his cross examination testified that the TATA Magic vehicle was coming from Arunachal towards Balipara side and at that there was another vehicle which was coming from opposite direction by putting its light. He deposed that they were waiting there to proceed towards Balipara. He denied the fact that the said Tata Magic vehicle did not hit the injured inspite of the vehicle which was coming from opposite side. He deposed that he along with others took the three injured persons to the hospital. He denied the fact the accident occurred due to the fault of the two vehicles. He further denied the fact that the Tata Magic vehicle was not coming in a high speed and did not hit the victims.
17. PW-7, Dr. Udhab Kumar Barman, who is the medical officer of this case, deposed that on 07.09.2014, he was posted as Medical Officer at Balipara PHC and on that day at about 7:45 PM, he examined one Md. Abdul Rauf. On examination, he found fracture of left hand little finger. Size of injury 1 ½ inch x ½ x ¼ inch. He deposed that the nature of injury was grievous caused by blunt weapon and the patient was referred to Kanaklata Civil Hospital, Tezpur on that very day. He identified his report as Ext-2 and Ext-2(1) is his signature.
18. PW-7 in his cross examination testified that in Ext-2 there is no mention of GD Entry or PS case number. He also deposed that he has not mentioned the case history of the patient in Ext-2. He further deposed that injury mentioned in Ext-2 may be caused by falling over hard and sharp substance.

DISCUSSION, DECISION AND REASONS FOR SUCH DECISION

19. The prosecution case as alleged by the prosecution appears to be that on 07.09.2014 at about 6:30 PM while Abdul Sukur and Abdul Rauf were standing in between Bhalukpong and Balipara road, suddenly, one vehicle bearing Regd. No. AS-12/E-8639 coming from Bhalukpong towards Balipara in a rash and negligent manner knocked them and due to that both of them sustained injuries and immediately after the accident, they were shifted to the hospital. Consequent to that Abdul Sukur died at GMCH, Guwahati and another victim Abdul Rauf sustained injuries.
20. In this case prior entering into the discussion, decision and appreciation of the evidences, let have a look over the essential ingredients of offences u/s

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279/304(A)/337/338 of IPC to understand the acts prohibited by those provisions and punishable there under.

21. It is apparent from the ejahar that it is a case of section-279/337/338/304(A) of I.P.C and now it required to look upon as to what facts needs to establish by the prosecution side to prove the guilty of the accused person for commission of offence punishable under section-279/337/338/304(A) of I.P.C.
22. In order to convict a person under section 279 of IPC the following ingredients are to be proved- (a) that the accused was driving the vehicle; (b) that the accused was driving the vehicle on a public way; (c) that the accused was driving the vehicle rashly or negligently and (d) that it endangered human life or to likely to cause hurt or injury to any other person. Similarly, in order to convict a person under Section 337 of IPC the prosecution is to prove- (a) same act was done rashly or negligently (b) the act endangered human life (c) hurt was caused to any person in doing such act.
23. There are two parts in Section-304(A) of I.P.C. The first relates to causing of death of any person by any rash act of accused. The second part comes in operation when the death is caused due to negligent acts, but in both cases, it should not amount to culpable homicide. The prosecution has either to prove the first part or the second part but there may be cases where both the parts may come in operation simultaneously if the evidence suggest that the act of the accused was not only rash but also negligent which resulted in the death of someone. Criminal rashness is hazarding a dangerous or wanton act with the knowledge that it is and that it may cause an injury but without intention, to cause injury or knowledge that it will probably be caused. The criminality lies in taking the risk of doing such an act with recklessness or being indifferent at to the consequences. Reckless driving or driving in a manner dangerous to public is rashness.
24. Hence in order to decide the guilty of the accused person for committing an offence punishable under section-279/337/338/304(A) of I.P.C the court needs to appreciate that offences accomplished either by committing a rash act or negligent act. In this case to decide the guilty of accused, rash and negligent

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acts on the part of the accused required to establish from the evidences of prosecution side and it is the burden to prosecution to prove the rash and negligent driving of alleged vehicle by the accused person that results the death of deceased Abdul Sukur.

25. From the aforesaid discussion and on going through the settled provisions of law, it divulges that to substantiate the essential ingredients of offences punishable u/s 279/337/338/304(A) of IPC, the prosecution needs to establish the rash and negligent act while driving alleged vehicle and causing injuries for which the deceased Abdul Sukur yield to death and another victim Abdul Rauf sustained grievous injuries. The prime and principle fact that needs to be proved is rash and negligent driving on the part of the accused that follows the alleged incident.
26. For the purpose of proper appreciation of the evidences on record, let us discussed all the points for determination together. On conscience perusal of the evidences on record, it disclosed that the informant Md. Abdul Rahim went to the place of occurrence on hearing about the incident and he had not seen the incident. He in his evidence claimed that his brother Abdul Sukur and Abdul Rauf were waiting at 10th mile after marketing and one vehicle coming towards Balipara from Bhalokpung hit them and due to that his brothers received head injuries and left hand of Abdul Rauf broken. Therefore, his brother Sukur Ali died on 08.09.2014. Ext-1 is the ejahar lodged by him and Ext-1(1) is his signature.
27. On meticulous perusal of the testimony of PW-1 (Informant), it disclosed that although PW-1 in his ejahar claimed that the rash and negligent driving on the part of the accused and causing the alleged incident but in his evidence he failed to support the rash and negligent driving of the accused and also he did not depose anything directly against the accused person. PW-1 admitted during his cross examination that he lodged the ejahar after one week of the alleged incident and he did not assign any reason of delay in lodging the ejahar.
28. PW-2 doesn't know anything about the alleged incident. PW-3 one Md. Arfan Ali deposed that around one and half years back at about 6:30 PM, he along with

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Baharul, Abdul Sukur, Sirajul and Ajmal Ali were coming from Bhalukpong in a Cruiser vehicle and at 10th mile said vehicle stopped due to some mechanical failure and they got down from the vehicle and further they were waiting there. Then, one vehicle bearing Regd. No. AS-12/E-8639 was coming from Bhalukpong and they gave signal to stop but the vehicle knocked them for which Sukur Ali and Baharul sustained injuries. Thereafter, they shifted the injured to the Balipara hospital. PW-3 in his evidence-in-chief although exclusively claimed that one vehicle bearing Regd. No. AS-12/E-8639 disobeying their signal knocked them and for which Sukur Ali and Baharul sustained injuries but during his cross examination he stated that he don't know if another vehicle was going from Balipara towards Bhalukpong at the time of alleged incident. He also doesn't know if the vehicle that was going towards Bhalukpong from Balipara put any dipper light or not. He also doesn't know if the alleged incident occurred due to fault of the vehicle that was going towards Bhalukpong from Balipara.

29. From the meticulous appreciation of the evidence of PW-3, it is seen that PW-3 failed to elaborate many state of affairs relating to the fact in issue and he further don't sure about the actual reason of stirring the alleged incident as he has firmly deposed during his cross examination that he don't know whether incident occurred due to the fault of the vehicle that was going towards Bhalukpong from Balipara side. So, it will be very perilous to find out that the alleged vehicle was driving rash and negligently by the accused on the basis of the evidence testified by PW-3 as he did not utter any single word accusing the accused of this case and his alleged rash and negligent driving. PW-3 undoubtedly stated and corroborated the number of the vehicle that hit the victims on the date of alleged incident but other relevant facts regarding actual state of affairs upon which the incident occurred, the evidence of PW-3 not appears to be truthful. More also, the facts of displaying signal and not stopping a vehicle in obeying that signal, not unswervingly comes under the purview of rash and negligent driving.

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30. PW-4, Ikramul Alam came to know about the occurrence from Arfan Ali but he doesn't have any personal knowledge about the alleged incident. PW-5, Abdul Rauf appears to be a victim of the alleged incident and as per his evidence on 07.09.2014 he along with his brother Sukur Ali (presently died) and Baharul Alam were coming from Bhalukpong towards Balipara through a Cruiser vehicle and due to mechanical defect of the vehicle they were waiting adjacent to the road for another vehicle. Then one TATA ACE vehicle hit them from back side and due to that his brother Sukur Ali turn into senseless and his left hand broken along with several injuries on his body. He also deposed that Baharul become senseless and he was shifted to Guwahati and his brother died at Guwahati on the next date. He also deposed that said TATA ACE vehicle drove by son of Hazarat Ali named Sukur Ali. He doesn't know how the vehicle was driven.
31. On painstaking appreciation of the evidence of the victim, it disclosed before the court that TATA ACE vehicle allegedly hit the victims on the date of incident and due to that victim sustained injuries and one Sukur Ali died on the following day at Guwahati. The victim Abdul Rauf unsuccessful in uttering anything about the rash and negligent driving of the accused. Although he had directly implicated the accused supporting the fact that it is the accused who was riding the alleged vehicle at the time of alleged incident. The victim Abdul Rauf in his evidence definitely deposed that he do not know how the vehicle was driven by Sukur Ali. He also deposed that incident occurred at 6 PM and it was dark and he also testified that the place where they were standing it was having a turning. Hence, it is seen from the evidence of an eye witness i.e. PW-5 that the alleged vehicle them hit from the back side. Now, question is whether only the fact of hitting from the back side comes within the purview of rash and negligent driving in absence of any material evidence proving rash and negligent driving on the part of the accused. The evidence of PW-5 not appears to be proof of rash and negligent driving of the accused, as PW-5 himself in his evidence clarified that he don't know how the alleged vehicle was driven at the time of place of occurrence. If so, then only hitting them from

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backside does not comes under the purview of rash and negligent driving in absence of any specific proof of rashness.

32. PW-6 one Asmat Ali and as per his evidence on 07.09.2014 at about 6:30 PM, he along with some other persons were standing near a bus stop and then one vehicle was coming and witnessing the same people put signal to stop. But said Tata magic vehicle which was in speed mode tried to stop the vehicle but losing its control hit Abdul Sukur and Baharul and over turned. Thereafter, the injured were shifted to Balipara hospital and he heard that Abdul Sukur died at GMCH. He saw the incident. In his cross examination, he testified that the Tata Magic vehicle was coming from Arunachal towards Balipara and at that time, there was another vehicle which was coming from opposite side blowing light and they were waiting to come Balipara.
33. On meticulous appreciation of evidence presented by PW-6, it has disclosed before the court that the testimony as deposed by PW-6 not appears to be corroborative with the evidence of the victim i.e. PW-5 as PW-6 has stated a separate story before the court contradicting the vehicle to be Tata Magic. Although the other witnesses including the informant testified the vehicle to be a TATA ACE and PW-6 further contradicted the version of other witnesses by testifying that the Tata Magic vehicle ignoring the signal which was in a high speed lost its control and hit Abdul Sukur and Baharul and over turned. The other witnesses at the time of deposing before this court had not uttered any single word that the alleged vehicle was Tata Magic and said vehicle lost its control at time of trying to stop obeying the signal of the persons who are waiting at the place of occurrence and hit Abdul Sukur and Baharul and further over turned.
34. The evidence presented by PW-6 appears to be contradictory with the evidence of other witnesses. PW-6 during his cross examination specifically stated that at the time of alleged incident, there was another vehicle which was coming from opposite side blowing its light and if so, then it is very difficult to ascertain as to whether for the rash and negligent driving of the accused the alleged incident occurred. The evidence presented by PW-6 being contradictory in nature

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cannot be relied upon. PW-7 appears to a medical officer who examined the victim Abdul Rauf and he found following injuries i.e. fracture of left hand little finger. Size of injury 1 ½ inch x ½ x ¼ inch and the nature of injury are grievous in nature and caused by blunt weapon.

35. Therefore, to sum up the evidences on record, it becomes crystal clear before this court that only PW-6 in his evidence utters about the driving of the vehicle speedily at the time of alleged occurrence but his evidence cannot be relied upon as he contradicted the nature of vehicle through which the alleged incident occurred. He also deposed certain facts regarding the alleged incident which had not been contended by the informant, victim and other witnesses and that part of the evidence of PW-6 regarding the losing control and hitting the victim and over turned on the road by the alleged Tata Ace vehicle makes his evidence to be untrustworthy in nature. Further, the victim Abdul Rauf himself don't know how the alleged vehicle was driven at the time of incident.
36. In the result, this court on meticulous appreciation of the evidences on record not finds anyone of the prosecution witnesses to be fully truthful rather their evidence found to be full with lot of shortcomings.
37. The evidences presented before this court by the prosecution witnesses also clarified that on the date of alleged incident there was another vehicle which was coming from opposite side and one vehicle was standing there and another vehicle coming from Bhalukpong towards Balipara and in presence of that circumstances it is very difficult to ascertain that the accused was actually driving his vehicle in a rash and negligent manner in causing that alleged incident. The fact of rashness and negligent driving not stands proved from the evidence on record.
38. It is admitted fact that on the date of alleged incident, there was an accident occurred and due to that brother of the informant died and one Abdul Rauf sustained hand broken injury but whether said alleged incident occurred due to rash and negligent driving of the accused said fact not appears to be proved and established from the evidences on record. The prosecution side failed to adduce any trustworthy evidence upon which this court may presumed that

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accused had driven the aforesaid vehicle in a rash and negligent manner and caused the alleged incident.

FINDINGS

39. On meticulous appreciation of evidences presented by all the witnesses this court finds their testimonies to be full with lots of shortcomings and accordingly their evidences are appearing to be deficient in holding the accused guilty of commission of alleged offences.
40. Under the above surroundings, it can be securely determined here that all the substantial onlookers of the prosecution side not seem to be corroborative, coherent and supportive about the entire case of prosecution side and that renders their testimonies doubtful and untrustworthy. Hence the accused person is not found guilty of commission of offences under section-279/337/338/304(A) of I.P.C. In the result the accused is acquitted from the charges under section-279/337/338/304(A) of I.P.C.
41. The accused person sets at liberty forthwith. The validity of the bail bond of the accused person extended for six months till the accused filed a fresh surety under section-437A of Cr.P.C whichever is earlier.
42. Judgment is pronounced in the open court, which is given under my hand and seal of this court on 10th day of November, 2020.

**(Sri N. J. Haque)
Chief Judicial Magistrate,
Sonitpur: Tezpur**

ANNEXURE

1. Witnesses for Prosecution:-

PW 1: Md. Abdul Rahim, the informant
PW 2: Md. Baharul Alam
PW 3: Md. Arfan Ali
PW 4: Md. Ikramul Alam
PW 5: Md. Abdul Rauf, the victim
PW 6: Md. Asmat Ali
PW 7: Dr. Udhab Kumar Borman, the M.O.

2. Witnesses for Defence: NIL

3. Court Witnesses: NIL

4. Prosecution Exhibits:

Ext 1 : FIR
Ext 1(1): Signature of PW 1
Ext 2 : Injury Report
Ext 2(1): Signature of PW 7

5. Defence Exhibits: NIL

6. Material Exhibits: NIL

Chief Judicial Magistrate
Sonitpur, Tezpur