

DISTRICT: SONITPUR  
IN THE COURT OF MR. A. HAZARIKA, S.D.J.M.(M) AT BISWANATH CHARIALI.

**G.R. Case No.453/2013**  
**U/S 341/323/506 OF I.P.C.**

STATE OF ASSAM  
.....**PROSECUTOR**  
**-VERSUS-**

SRI NEHA TABA,  
S/O.LATE TAHA TABA,  
R/O. VILLAGE- BOGIJULI,  
P.S. GINGIA, DIST. BISWANATH, ASSAM.

.....**ACCUSED PERSON**

PRESENT: MR. A. HAZARIKA, S.D.J.M.(M) AT BISWANATH CHARIALI.

ADVOCATE FOR THE PROSECUTION: ADDL.P.P, MS. S. BORAH,  
ADVOCATES FOR THE ACCUSED PERSONS: MR.D. K.BORA.

OFFENCE EXPLAINED ON: 31.10.2018,  
EVIDENCE RECORDED ON: 15.02.2019 and 02.02.2021,  
ARGUMENT HEARD ON: 22.02.2021 AND  
JUDGMENT DELIVERED ON: 22.02.2021.

### **JUDGMENT**

- 1.** The prosecution case in brief is that one Sri Ram Prasad Tanti lodged an F.I.R. before O.C. Gingia P.S. stating inter-alia that on 20.06.2013 at about 4.00 p.m. he was searching his missing cow. At that time the accused belong to Arunachal Pradesh attacked the informant with a stick and cause multiple injuries over his body. The accused also threatened the informant. Hence, this case.
- 2.** On receipt of the F.I.R.O/C Gingia P.S. registered the same as Gingia P.S. Case No.27/13, U/S 341/325/506 of I.P.C. and conducted investigation into the matter. On completion of the investigation, the police submitted charge-sheet against the accused person U/S 341/323/506 of I.P.C.

3. The accused person entered his appearance in response to the process issued. Copies of the relevant documents were furnished to the accused person in accordance with Section-207 Criminal Procedure Code. Particulars of offences U/S 341/323/506 of I.P.C. are read over and explained to the accused person to which he pleaded not guilty and claimed to be tried.
4. During trial, the prosecution examined only 3 (two) witnesses, after which the prosecution evidence is closed. The statement defence of the accused person as mandated by Section-313 Criminal Procedure Code is dispensed with due to lack of sufficient materials. Defence declined to adduce any evidence.
5. Upon hearing both the parties and on perusal of the case record, the following points for determination have been formulated by this court:
  - i) *Whether the accused person on 20.06.2013 at about 4.00 p.m. at Bagijuli wrongfully restrained Sri Ram Prasad Tanti in order to prevent him from proceeding towards a direction where he has a right to proceed and thereby committed an offence punishable u/s 341 of I.P.C.?*
  - ii) *Whether the accused person on 20.06.2013 at about 4.00 p.m. at Bagijuli voluntarily caused hurt to Sri Ram Prasad Tanti and thereby committed an offence punishable u/s 323 of I.P.C.?*
  - iii) *Whether the accused person on 20.06.2013 at about 4.00 p.m. at Bagijuli criminally intimidated Sri Ram Prasad Tanti and thereby committed an offence punishable u/s 506 of I.P.C.?*
6. I have heard the learned counsel on both sides and have gone through the evidence on record which have been outlined below.

### **EVIDENCE**

7. **P.W.1** Sri Singh Terang deposed that he know both the informant and accused. Prior to 7 years the cultivation belong to accused was damaged by a cow of informant and while the accused went to hand over the cow, the informant assaulted the accused. During cross-examination he deposed that the incident

was occurred in the evening and he was at his cultivated land. He saw that the cow belongs to informant damaged the crop of accused.

- 8. P.W.2**Sri Sanjib Subba deposed that he does not know the informant. He further deposed that he came to know that the informant went to assault the accused. During cross-examination he deposed that the informant presently does not reside in their village. **P.W.3**Md.Amirul Haque deposed that he did not see any incident.

**DICISSION, DISCUSION AND REASON FOR DICISSION:**

- 9.** For the sake of convenience all the points for determinations are taken together:

**POINT FOR DETERMINATION No.(i), (ii)AND (iii):**

- 10.** The evidence of P.W.1, P.W.2 and P.W.3 shows that the contents of F.I.R. and the available evidence does not matched with each other.No incriminating materials at all found in the evidence of prosecution for attracting offences U/s 341/323/506 of I.P.C. against the accused. Therefore, considering the evidence of P.W.s it reveals that the prosecution has measurably failed to prove any offences U/s 341/323/506 of I.P.C. against the accused person. Accordingly, the accused person is found to be not guilty for committing offences U/s 341/323/506 of I.P.C. and thus he is acquitted.

**ORDER**

Accused person is hereby acquitted from the charges and set at liberty forthwith.

The bail bonds of the accused person and his surety shall remain in force for six months from today as per section 437A Cr.P.C.

Given under my hand & seal of this Court on this 22<sup>nd</sup> day of February, 2021.

Dictated & Corrected by me  
Sub-Divisional Judicial Magistrate (M)  
Biswanath Chari Ali

(Amarendra Hazarika)

**APPENDIX**

**PROSECUTION EXHIBIT:**

NIL.

**DEFENCE EXHIBIT:**

NONE.

**PROSECUTION WITNESS:**

PW1- SRI SINGH TERANG,  
PW2- SRI SANJIBSUBBAAND  
PW3-MD.AMIRULHAQUE.

**DEFENCE WITNESS:**

NONE.

(AMARENDRAHAZARIKA)  
SUB-DIVISIONAL JUDICIAL MAGISTRATE (M)  
BISWANATHCHARIALI