

In the Court of Judicial Magistrate 1st Class, Sonitpur

GR No: 341/09

u/s 448/323/427, IPC

State

Vs

Sri Naren Mandal.....Accused

Present: Panchali Shyam

J.M. 1st Class,
Sonitpur

Date of recording Evidence : 27-05-14

Date of Argument : 27-05-14

Date of Judgment : 27-05-14

Appearance:

For the Prosecution : Sri Joydeep Dey, APP

For the Defence : Smt Dulumoni Singha, Advocate

JUDGMENT

1. The prosecution story in brief is that informant Biren Mandal filed an ejarah in Thelamara PS alleging inter alia that on 03-03-09 at about 07:00am, accused Naren Mandal and Rajubala Mandal entered the land

of the informant and cause destruction to his property and assaulted him. Hence this case.

2. Initially, a case was registered u/s 448/427/324/379, IPC against the accused persons. After investigation charge sheet was laid u/s 448/323/427, IPC against accused Naren Mandal.
3. The case was received on transfer for disposal. According summon was issued to the accused person. On his appearance, copy was furnished to him. Particulars of offences u/s 448/323/427, IPC were read over and explained to the accused person to which he pleaded not guilty and claimed to be tried.
4. During trial, prosecution side examined one witness. Prosecution evidence was closed thereafter as the prosecution side declined to proceed further.
5. No incriminating evidence found against the accused person. Hence statement u/s 313 Cr. P.C is dispensed with.
6. Defence plea was one of total denial and declined to adduce evidence.
7. Heard arguments of both the sides and perused evidence available on record.

8. **POINTS FOR DETERMINTION:**

- i) Whether the accused person entered into the house of informant to commit offence
- ii) Whether the accused person voluntarily caused hurt to Biren Mandal
- iii) Whether the accused person caused destruction to the property of the informant

9. **DISCUSSION, DECISION AND REASONS THEREOF:**

PW 1 Naren Mandal is the complainant as well the victim. He deposed that on the day of incident he had a quarrel with the accused person over some matter. He deposed that on hearing shouts many people gathered there and that led to push and pull. He also deposed that it was during the course of push and pull that he fell on the ground and sustained injuries. He further stated that due to some misunderstanding he has filed this case and that the matter has been amicably settled with the accused person.

10. From the above evidence it is evident that the case was a result of misunderstanding between the informant/victim and the accused person and as such complainant victim stated nothing incriminating against the accused persons in his evidence as alleged in the ejahar. That apart, PW1/ informant admitted to have filed this case on basis of misunderstanding.

11. Therefore with victim not supporting prosecution story, the accused person is found not guilty for offences alleged. Accordingly, I acquit the accused person u/s 448/323/427, IPC and set him at liberty forthwith.

12. Bail bond of the accused person stands cancelled herewith.

13. The judgment is pronounced and delivered in the open court and signed and sealed on this 27th day of May, 2014.

Panchali Shyam
JM 1st Class
Sonitpur