

IN THE COURT OF SUB DIVISIONAL JUDICIAL MAGISTRATE (S) ,
SONITPUR, TEZPUR, ASSAM.

GR. NO : 2041 of 2013

The State of Assam
VS
1. Dul Bhar Kakoty

.... Accused.

Present : ABDUL KADER
Sub- Divisional Judicial Magistrate (S),
Sonitpur, Assam.

Counsel for prosecution: Mr A. Baruah, Learned APP.
Counsel for the defence: Mr. B Baruah.

Date of Evidence : 21.05.2014
Date of Argument : 22.05.2014
Date of Judgment : 21.05.2014

J U D G M E N T

Prosecution story in a nutshell as bellow :

One Sri Deben Barmudia lodged an FIR to the Officer-In-charge of the Sootia police station alleging inter alia that on 16.08.2013 at about 8.30 a.m. accused person restrained and abused him with slang language and also assaulted him causing injuries.

The officer- in-charge of the police station, after receiving the FIR registered a case vide Sootia P.S. case no. 112/2013 u/s 341/294/325 /506 IPC and took up investigation thereon. During investigation the Investigating Officer recorded statement of the witnesses. After completion of the investigation, the Investigating Officer submitted charge sheet u/s 341/323 IPC against the accused person.

Upon appearance of the accused person before the court, copy was furnished to him as per section 207 Cr.P.C. Having regards to the materials on the case record, particulars of offence u/s 341/323 IPC were read over and explained to the accused to which he pleaded not guilty and claimed to be tried.

In the course of trial the prosecution examined following witness(s):
PW-1 : Deben Barmudai.

Examination of the accused person(s) u/s 313 CrPC is dispensed with. Defence did not adduce any evidence.

Heard argument of the learned APP for the prosecution and learned counsel for the defence.

POINTS FOR THE DECISION :

1. Whether the accused person restrained the informant on his way, thereby committed offence under section 341 IPC?
2. Whether the accused person assaulted the informant, thereby committed offence under section 323 IPC?

DECISION AND REASONS FOR DECISION:

PW- 1 deposed that in 2013 one day there was quarrel between him and the accused. He has no allegation.

It is appeared from the evidence of the PW there was quarrel between the parties. No incriminating evidence appeared against the accused person. The PW has no allegation.

In the above discussion I am of the opinion that the prosecution has failed to prove the case against the accused person beyond reasonable doubt. Hence the accused is deserved to be acquitted of the charge.

In the above view the accused person is acquitted of the charge u/s. 341/ 323 IPC. Set them at liberty.

Given under my hand and seal of the court, on this 21st May 2014