

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

GR. NO : 280 of 2014

The State of Assam
VS

1. Biplab Bhowmik
2. Lagen Kujur

....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 Bisaws

Date of evidence : 03.05.2014

Date of argument : 03.05.2014

Date of judgment : 03.05.2014

J U D G M E N T

Prosecution story in a nutshell as bellow :

One Smti Uttam Dey lodged an FIR to the Officer-in-Charge of the Dhekiajuli Police station alleging inter alia that on 04.02.2014 at about 3.30 two boys entered into his studio and stolen way cash money from cash box and fled away by his bicycle, thereafter the said boys were apprehended and admitted about commission of theft.

After receiving the FIR the O/C registered a case vide Dekiajuli PS case no. 79/2014 u/s 380/34 IPC was registered 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 380/34 IPC against the accused persons.

Upon appearance of the accused persons before the court, copy was furnished to them as per section 207 Cr.P.C. Having regards to the materials on the case record, charge of offence u/s 380/34 IPC were and read over and explained to the accused to which they pleaded not guilty and claimed to be tried.

In the course of trial the prosecution examined following witness(s):

PW-1 : Uttam Dey.

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 persons in furtherance of their common intention entered into the shop of the informant and stolen away Rs. 1700/, thereby committed offence under section 380/34 IPC?

REASONS FOR DECISION:

PW- 1 deposed that on 04/02/2014 the accused persons came to his studio. Where there was misunderstanding between the accused persons and himself regarding monetary transaction hence he filed this case.

It is appeared that in 2014 one day there was misunderstanding between the accused persons and the PW. No incriminating evidence is adduced by the PW.

No incriminating evidence is found against the accused persons.

Since there is no incriminating evidence against the accused persons I am of the opinion that the prosecution fail to prove the case against the accused persons beyond reasonable doubt. Hence the accused are deserved to be acquitted of the charge.

In the above view the accused persons are acquitted of the charge u/s 380/34 IPC. Set them at liberty.

Given under my hand and seal of the court, on this 3rd May 2014