

Present:- Sri N. J. Haque, CJM, Sonitpur, Tezpur

Tezpur PS Case No-1722 of 2021

GR Case No-2770 of 2021

U/S-379 of IPC

ORDER

24.08.2021

Case record put up today before me along with a prayer of the I/O SI Uday Sankar Bharali of Tezpur PS, wherein he prayed to add Section-420/407 of IPC.

Heard and perused the case diary in the backdrop of the prayer filed by the investigating officer.

On perusal of the case record it unveiled before this court that criminal law sets in motion closely on lodging an ejahar by informant named Mr. Siyaram Choudhury before the O/C of Tezpur PS stating that on 16.08.2021 the vehicle bearing Regd. No-AS-01/GC-1871 (Truck) was loaded 800 cartoons of Mustard Oil i.e. 1 Ltrs x 12 cartoons=200 cartoons, 500 mls x 24 cartoons=500 cartoons and 200 mls x 600 cartoons and proceed to Tezpur but the said vehicle was missing along with the said loading mustard oil.

The I/O in his prayer categorically mentioned that during investigation sufficient evidence has been found against the accused under section-420/407 of IPC. The I/O in his also mentioned that during enquiry it has come to light that three more accused are involved with this case and accused Ainul Ali cheated the complainant. Subsequently, Tezpur PS Case No-1722 of 2021 was registered u/s-379 of IPC.

The I/O in his prayer of adding Section-420/407 of IPC stated that during investigation he has recorded the statement of the witnesses including the informant, apprehended two numbers of accused and also seized stolen mustard oil.

24.08.2021

In the background of prayer filed by the I/O, the court has squarely scrutinized the entire case diary. Considering the statement of the informant as well as the associating constituents originated from the statements of the witnesses, at this stage without in flowing into the merits of dispute in hand, this court finds sufficient reason to allow the prayer of investigating officer. The incriminating part of the statement of the informant as well as the other witnesses also signifies that an offence of Section-420/407 of IPC may have been committed by the alleged accused. As such, for the sake of proper investigating and also for the ends of justice, this court finds that there is every chance of defeating justice if the prayer of the I/O is not allowed at this stage.

Therefore, the prayer of the I/O for adding section-420/407 of IPC is allowed and consequently the O/C of Tezpur PS sets at liberty to add section-420/407 of IPC.

Inform all concerned.

Return back the case diary to the I/O.

Sri N. J. Haque
Chief Judicial Magistrate
Sonitpur, Tezpur