

IN THE COURT OF SUB-DIVISIONAL JUDICIAL MAGISTRATE,
SONITPUR, TEZPUR

PR. CASE NO. 1268/ 2018

U/S- 325/ 506/34 IPC

State

Vs.

Miss. Pompei Dey & Sri. Raju Dey

Present before : Kumari Arti, SDJM(S), Sonitpur, Tezpur
For Prosecution : Sri. Rajen Kr. Goswami.
For Defence : Sri. Tapan Paul & S. Kalita.
Date of Evidence : 13.03.2020.
Date of argument : 13.03.2020 & 30.05.2020.
Date of Judgment : 30.05.2020.

JUDGMENT

1. Case of the prosecution in brief is that on 30.05.2018 when informant's son Sri. Rajat Mondal went for fishing to a nearby pond, accused Miss. Pompei Das started quarreling with him. Thereafter, accused restrained him in fishing and severely assaulted him for which one finger of right hand of informant's son got broken. Then when informant's husband esquired about the matter, Miss Pompei Das's brother assaulted him and also threatened him of dire consequences.

Compliance of Sec- 207 Cr.P.C.

2. Copies of relevant documents were furnished to the accused persons in accordance with Sec-207 Cr.P.C.

Particulars of offences

3. During trial the particulars of offences u/s- 325/ 506/34 Indian Penal Code were read over and explained to the accused persons to which they pleaded not guilty and claimed to face trial.

Evidence Adduced

4. Prosecution has examined one witness. Examination u/s-313 Criminal Procedure Code is dispensed with as there was no incriminating material in the examination of the vital witnesses.

Points for determination

5. (i) Whether the accused persons could be hold accountable for the offences leveled against them?

(ii) Whether the prosecution established its case beyond all reasonable doubt?

Discussion, Decision and Reasons thereof

6. PW1 Rekha Mondal, (informant) has stated in course of her deposition that on 30.05.2018 an altercation took place between her son with that of the accused person over a trivial matter. Out of misunderstanding and being incited by others, she lodged this case against the accused person. She also stated that she does not have any grievance against the accused persons and she has no objection if the accused person is acquitted from this case.

7. On discussion of the witness examined by the prosecution it becomes clear that accused persons could not be held guilty for the commission of offence as evidence on record was found to be insufficient and informant clearly said that she has resolved her dispute. Therefore, prosecution failed to establish its case beyond all reasonable doubt.

8. My discussion above, propels me to decide the points for determination in negative. Accordingly the accused persons are held not guilty for commission of the offences punishable u/s- 325/ 506/34 Indian Penal Code.

ORDER

9. Accused, Miss Pompi Dey and Raju Dey are acquitted of the offence punishable u/s-325/ 506/34 Indian Penal Code and is set at liberty.

10. The bail bond shall be in force for six months from the date of the judgment delivered.

11. Given under my hand and seal of this court on 30th day of May, 2020.

KUMARI ARTI
SDJM(S), SONITPUR, TEZPUR

A P P E N D I X

PROSECUTION EXHIBITS:

Ext.1 is the FIR. Ext-1 (i) is sign of PW1

DEFENCE EXHIBITS:

NIL

WITNESSES FOR THE PROSECUTION:

P.W.1..... Rekha Mandal

WITNESSES FOR THE DEFENCE:

NIL

Smti. KUMARI ARTI

SDJM(S), SONITPUR, TEZPUR