

**APPENDIX -12**

**IN THE COURT OF ASSISTANT SESSIONS JUDGE,  
SONITPUR, TEZPUR.**

Present: Dr. C. Khanikar, AJS  
Assistant Sessions Judge, Sonitpur, Tezpur

**(14<sup>th</sup> September, 2022)**

**(Sessions Case No 85 / 2022)**

(FIR NO.08/2022 DATED 04-01-2022 / ATTEMPT TO MURDER CASE /AND  
RANGAPARA POLICE STATION)

<b>COMPLAINANT :</b>	SRI BIJOY JHORA
<b>REPRESENTED BY</b>	SMT. NIVA RAHMAN, ADVOCATE ADDITIONAL PUBLIC PROSECUTOR
<b>ACCUSED</b>	SRI CHAITU JHORA S/O LATE SUKRAM JHORA VILL- SONAJULI NEPALI BASTI P.S.- RANGAPARA DIST- SONITPUR, ASSAM
<b>REPRESENTED BY</b>	SMTI. D. SINHA, ADVOCATE

**APPENDIX -13**

Date of Offence	03-01-2022
Date of FIR.	04-01-2022
Date of Charge-sheet	26-04-2022
Date of Framing of Charges	16-07-2022
Date of commencement of evidence	05-09-2022
Date on which judgment is reserved	14-09-2022
Date of the Judgment	14-09-2022
Date of the Sentencing Order, if any	None

**ACCUSED DETAILS:**

Rank of the Accused	Name of Accused	Date of Arrest	Date of Release on Bail	Offences charged with	Whether Acquitted or convicted	Sentence Imposed	Period of Detention undergone during Trial for purpose of Section 428, Cr.P.C.
1	Sri Chaitu Jhora	22-02-2022	07-07-2022	307/323 IPC	Acquitted	none	N/A

**IN THE COURT OF ASSISTANT SESSIONS JUDGE, SONITPUR,  
TEZPUR**

**SESSIONSCASE No. 85 of 2022**

**G.R. Case No.08 of 2022**

U/S.307/323 of IPC

State of Assam .....Prosecutor

- *Versus*-

Sri Chaitu Jhora .....Accused

Present: Dr. Chetana Khanikar, AJS

For the prosecution : Smt. N. Rahman, Addl. P. P.

For the defence : Smt. D. Sinha, Advocate

Evidence recorded on: 05-09-2022 and

14-09-2022

Argument heard on : 14-09-2022

Judgment delivered on : 14-09-2022

**J U D G M E N T**

1. The prosecution case in brief as stated in the FIR is that on 03-01-2022, the accused Sri Chaitu Jhora has attacked his daughter-in-law Smti. Karina Jhara with dao and knife.

2. On the basis of aforesaid FIR, police registered a case as Rangapara PS Case No. 08/2022. Police investigated the case and on completion of investigation submitted charge-sheet against the accused person Sri Chaitu Jhora U/S 307/323 of IPC.

3. On appearance of the accused person Sri Chaitu Jhora, copies of relevant documents were furnished to him as required U/S 207 of Cr. P. C. and the case was committed to the Court of Hon'ble Sessions Judge, Sonitpur as the case was exclusively triable by the Hon'ble court of Sessions. Thereafter, the case has been transferred to this court. Considering the relevant documents and hearing both the parties and having found sufficient material to presume that the accused had committed offence U/S 307/323 of IPC charge under those sections was framed against him. The accused pleaded not guilty and claimed to be tried when the charge was read over and explained to him.

4. During trial the prosecution has examined four witnesses and also adduced one documentary evidence.

5. At the close of the prosecution evidence, examination of the accused U/S. 313 of the Cr.P.C. has been dispensed with as no incriminating circumstances appearing against him in the prosecution evidences. Defence side has not adduced any witness and plea of the accused is of total denial.

6. After perusing the records, considering the materials produced, hearing the arguments of the learned

counsels for both the sides and the accused the following point is taken as POINT FOR DETERMINATION:

(i) Whether the accused on 03-01-2022 has voluntarily caused hurt to Smti. Karina Jhara?

(ii) Whether on the same day the accused at his house did an act of causing hurt to Smti. Karina Jhara with a dao with intention or knowledge that under such circumstance, if by that act he had caused the death of Smt. Karina Jhara, the accused would have been guilty of murder?

DISCUSSION, DECISION AND REASONS THEREOF:

Point (i) and (ii):

7. For convenience of discussion and to avoid unnecessary repetition, points No.(i) and (ii) are taken together for discussion.

8. In Ext.P1/PW.1, the FIR, it is written that on 03-01-2022, the accused Sri Chaitu Jhora has attacked his daughter-in-law Smti. Karina Jhara with dao and knife. In this case PW.1 is the informant and PW 2 is the victim of the case. Both of them have deposed that, there was an altercation between the victim and the accused for which this case was filed against the accused. At that time neighbours gathered at their house and in that over crowded room then the victim fell down and sustain injury. During cross-examination both the victim and the informant have deposed that the FIR was filed due to misunderstanding and anger only. They have no objection,

if the accused got acquitted in the trial. Except this they have deposed anything which can incriminate the accused. PW 2 and PW.3 have deposed that they know nothing about the incident. The prosecution side has declined to adduce any more evidence as nothing was found against the accused in the evidence of the informant and the victim, who are the principal witnesses of the case and the other witnesses. Thus, from the evidence available, it appears that the prosecution side has failed to prove that the accused on 03-01-2021 has voluntarily caused hurt to Smti. Karina Jhara or that the accused at his house did an act of causing hurt to Smti. Karina Jhara with a dao with intention or knowledge that under such circumstance, if by that act he had caused the death of Smt. Karina Jhara, the accused would have been guilty of murder.

Hence point Nos. (i) and (ii) are decided **negative**.

9. From the above discussions I come to the conclusion that prosecution has failed to establish the allegations against the accused. Hence the accused Sri Chaitu Jhara is acquitted from the case. Bail bond extended for next six months.

Given under my hand and the seal of this Court on this 14<sup>th</sup> day of September, 2022.

( **Dr. C. Khanikar** )  
Asstt. Sessions Judge,  
Sonitpur, Tezpur

**APPENDIX -14**  
**LIST OF PROSECUTION / DEFENCE / COURT WITNESSES**

**A. Prosecution:**

<b>RANK</b>	<b>NAME</b>	<b>NATURE OF EVIDENCE</b> (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
PW: 1	Sri Bijoy Jhara	Informant
PW: 2	Sri Samir Praja	Other witness
PW:3	Sri Durgon Samra	Other witness
PW:4	Smti. Karina Jhara	Victim

**B. Defence Witnesses, if any :**

<b>RANK</b>	<b>NAME</b>	<b>NATURE OF EVIDENCE</b> (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
NIL	NIL	NIL

**C. Court Witnesses, if any :**

<b>RANK</b>	<b>NAME</b>	<b>NATURE OF EVIDENCE</b> (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
NIL	NIL	NIL

**LIST OF PROSECUTION/ DEFENCE/ COURT EXHIBITS**

**A. Prosecution:**

<b>Sr. No</b>	<b>Exhibit Number</b>	<b>Description</b>
1.	Ext.P.1/PW.1	FIR

**B. Defence:**

<b>Sr. No</b>	<b>Exhibit Number</b>	<b>Description</b>
NIL	NIL	NIL

**C. Court Exhibits:**

<b>Sr. No</b>	<b>Exhibit Number</b>	<b>Description</b>
NIL	NIL	NIL

**D. Material Objects:**

<b>Sr. No</b>	<b>Exhibit Number</b>	<b>Description</b>
NIL	NIL	NIL

**( Dr. C. Khanikar)**  
Asstt. Sessions Judge  
Sonitpur, Tezpur