

**IN THE COURT OF THE CHIEF JUDICIAL MAGISTRATE
TEZPUR. SONITPUR.**

Present: Dr. M Baruah
Chief Judicial Magistrate,
Sonitpur, Tezpur.

G. R. Case No. 1347/2001
U/s 468/420 IPC

State

Vs

Sri Mahendra Rajbongshi @ Mangla

.....Accused

Appearance:

Counsel for the State : Smti R Chakravorty, Sri N Das.

Counsel for the defense : Sri J. Bora.

Charge framed on : 21-3-2007..

Evidence recorded on : 17-2-10, 26-4-10, 27-11-12.

Argument heard on : 4-7-2013.

Judgment delivered on : 18-7-2013.

J U D G M E N T

The prosecution's case in brief is that the informant Sri Kehuram Nath, Headmaster of Chengelimara High School filed an ejahar before the I/C, Charduar O. P. on 27-9-01 stating that some culprits supplied forged certificate in that area. On enquiry they came to know that one Mangala Rajbongshi and Kanak Roy Choudhury supplied forged certificate in the name of Chengelimara High School to the persons who did not take admission in the said school.

2. Upon receive of the ejahar, I/C, Charduar OP made a GDE and forwarded the same to Rangapara PS for registering a case. Accordingly the O/C Rangapara PS registered a case being Rangapara PS Case No.131/01 u/s 468/420/34 IPC and started investigation. After investigation, Police filed charge sheet u/s 468/420 IPC against the accused Mahendra Rajbongshi @ Mangla. The other accused Sri

Kanak Roy Choudhury who had expired prior to the filing of charge sheet.

3. The accused appeared before the Court and faced trial. Copy of the prosecution documents were furnished to the accused. After hearing learned counsel for both sides, charge u/s 468/420 IPC has been framed and its particulars are read over and explained to the accused. The accused pleaded not guilty and claimed to be tried.

4. Prosecution adduced evidence of three witnesses to prove the case. Considering the evidence of witnesses recording the statement of the accused U/S 313 Cr. P.C dispensed with.

POINTS FOR DETERMINATION

(i) Whether the accused on 24-8-08 forged certificate of Chengelimara High School intending that it shall be used for the purpose of cheating ?

(ii) Whether the accused cheated the students by dishonestly inducing them to deliver money ?

5. Heard argument of the learned counsel for the prosecution and the defense. Also perused the evidence on record.

DECISION, DISCUSSION AND REASONS THEREOF

6. Out of the seven independent witnesses including the informant, the prosecution could examine only three witnesses. Three witnesses had expired prior to recording their evidence and one witnesses could not be produced. The informant Sri Kehuram Nath deposed as PW-2. He stated that he was the Head Master of Chengelimari High School. In the year one day he came to know that police apprehended two persons in connection of forged certificate. He went to the police station and police showed him one round seal of Chengalimari High School, one seal of the Head Master and another seal of the Asstt. Inspector of Schools. Police seized the said seals vide Ext-1 and Ext-1 (1) is his signature. He filed the ejahar. Ext-2 is the ejahar and Ext-2(1) is his signature. The seized seals were produced before the Court. M.Ext-1 is four numbers of seal that police seized. Later on he heard that the accused Kanak Roy Choudhury gave some forged certificates.

PW-1 Sri Bogiram Das deposed that about nine years ago police went to the residence of the accused Kanak Roy Choudhury and recovered a polythene bag. He also went to see. He does not know what is inside the polythene bag. He and his son put signature on the seizure list. Ext-1 is the seizure list.

PW-3 Sri Bhaben Das deposed that in the year 2001 police went to the residence of Kana Roy Chowdhury. Police seized a packet. He was a witness to the seizure. Ext-1(4) is his signature.

7. Now scrutinizing the materials on record, I found the police seized four numbers of rubber seal form the residence of Kanak Roy Chowdhury vide Ext-1. The PW-1 and PW-3 also stated the same. None of the witnesses have implicated the accused Sri Mahendra Rajbongshi. There is no material that the present accused had forged any documents or certificates. Nothing was seized form the present accused. As such, I found that the prosecution has failed to prove the case against the present accused beyond doubt.

O R D E R

8. Considering the facts and circumstances of this case, I found that the prosecution has failed to prove the case against the accused Sri Mahendra Rajbongshi u/s 468/420 IPC beyond reasonable doubt. As a result the accused is acquitted and set at liberty. His bail bond stands cancelled. The seized materials are to be destroyed..

9. The judgment is prepared and typed by me.

10. Set my hand and seal of this Court on this the 18th day of July, 2013.

(Manash Baruah)
Chief Judicial Magistrate,
Sonitpur, Tezpur.