

IN THE COURT OF JMFC-20,  
SONITPUR, TEZPUR

Present: **Shri Vishek Bhuyan,**  
**AJS**

[Date of the Judgment]  
**20-12-2022**

[GR Case No : 2031/2017]

(Details of FIR Crime and Police Station)

Complainant :	STATE OF ASSAM OR Sri Diganta Nath
REPRESENTED BY	Learned A.P.P Sri Niranjan Saikia
ACCUSED PERSONS	A1. Kamal Saikia S/o Fatik Saikia A2. Popy Saikia S/o Kamal Saikia Both are of village-Murhateteli P.S-Tezpur
REPRESENTED BY	Ld. Counsel Kishor Deka & Ors.

**FORM B**

Date of Offence	NIL
Date of FIR.	02.06.2017
Date of Charge-sheet	30.06.2017
Date of offence explained	16.08.2022
Date of commencement of evidence	16.09.2022
Date on which judgment is reserved	NIL
Date of the Judgment	20.12.2022
Date of the Sentencing Order, if any	NIL

**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 438, Cr.P.C.
	Kamal Saikia	NA	21.06.2022	341/283/294/506/34	Acquitted	NIL	
	Popy Saikia	NA	21.06.2022	341/283/294/506/34	Acquitted	NIL	

**Form C****A. Prosecution**

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
PW1	Diganta Nath	Informant

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

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

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

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

**LIST OF PROSECUTION/ DEFENCE/ COURT EXHIBITS****A. Prosecution:**

Sr. No	Exhibit Number	Description
	Ext. P1	Ejhar
	Ext. P1(1)	Signature of informant

**A. Defence:**

Sr. No	Exhibit Number	Description
NIL	NIL	NIL

**A. Court Exhibits**

Sr. No	Exhibit Number	Description
NIL	NIL	NIL

**A. Material Objects:**

Sr. No	Material Object Number	Description
NIL	NIL	NIL

**IN THE COURT OF JUDICIAL MAGISTRATE FIRST  
CLASS**

**TEZPUR, ASSAM**

**G.R CASE NO: 2031/2017**

**U/Sec 341/283/294/506/34 of Indian Penal Code**

State of Assam

.....PROSECUTOR

**-Vs-**

**Kamal Saikia**

S/o Fatik Saikia

**Popy Saikia**

S/o Kamal Saiki

Resident of Vill- Murhateteli

P.S- Tezpur, Sonitpur

.....ACCUSED PERSONS

**PRESENT: VISHEK BHUYAN, LL.M, AJS**  
**JUDICIAL MAGISTRATE FIRST CLASS, TEZPUR**

FOR PROSECUTION: LD. APP. Sri Niranjan Saikia

FOR DEFENCE: Ld. Counsels K. Deka & Ors

EVIDENCE RECORDED: 16.09.2022

ARGUMENTS HEARD ON: 07.12.2022

JUDGEMENT DELIVERED ON: 20.12.2022

**JUDGMENT**

The accused persons namely Kamal Saikia and Popy Saikia stood trial for offences punishable under Sections 341/283/294/506/34 of Indian Penal Code (hereinafter IPC).

**Information and Investigation**

1. The genesis of this case has its roots with the lodging of Ejahar by informant Sri Diganta Nath is that the accused persons are his neighbours on the day of the incident the accused persons verbally abused him with obscene words and also threatened to kill him in relation to some construction undertaken by the accused persons on the nearby road. Hence this case.

2. The Ejahar was received and registered as Tezpur P.S Case no. 1041/2017 U/s 283/294/506 of IPC. The police after investigation submitted charge sheet against the accused persons under Sections 341/283/294/506/34 of IPC.

### **Trial**

3. Cognizance was taken of the Charge sheeted offences and processes were issued upon which the accused persons appeared and copies of the relevant documents were furnished to them in compliance with section 207 of Code of Criminal Procedure (hereinafter referred as Cr.P.C). The particulars of the offences were explained to the accused persons, to which they pleaded not guilty and claimed to be tried. It is pertinent to note that accused Rina Saikia expired during the pendency of the trial and the case was abated against her on 21.06.2022.
4. In this case, the prosecution has examined the informant as PW-1. Considering testimony of the informant, the prosecution declined to further adduce evidence in this case. Hence, the evidence of prosecution side is closed. Examination of accused person u/s 313 Cr.P.C dispensed with as the prosecution did not adduce any implicating evidence against them.

5. After hearing the learned Counsel of both sides and after perusal of the case record, I do hereby frame the following points of determination.

**POINTS FOR DETERMINATION**

***Whether the accused persons namely Kamal Saikia and Popy Saikia are guilty of offences committed U/s 341/283/294/506/34 of IPC?***

**PROSECUTION EVIDENCE**

6. **P.W 1 Diganta Nath** stated in his evidence in chief that he knows the accused and that he is the informant. The incident took place due to a misunderstanding took place as a result of which this ejarah was filed. Presently the matter has been settled amicably among them. **In his cross examination** he stated that he has no objection if the accused persons are acquitted from the case.

**DISCUSSIONS, DECISIONS AND REASONS  
THEREOF**

7. Upon perusal of the evidence it is seen that the informant is not willing to proceed with the case as he filed the case due to a misunderstanding



and that he does not have any objection if the accused persons are acquitted from the case.

8. As such the prosecution has failed to prove that the accused persons have committed the offences under sections 294/283/341/506/34 of IPC beyond reasonable doubt.

### **ORDER**

In light of the above, it is held that the prosecution has failed to prove the case U/s 294/283/341/506/34 of IPC against the accused persons Kamal Saikia and Popy Saikia beyond all reasonable doubt. Hence, they are hereby **acquitted** and set at liberty forthwith.

However, their bail bond shall remain in force for a period of next 6 (six) months as provided by section 437A Cr.P.C.

Given in my hand and under the seal of this court on this the 20<sup>th</sup> day of December, 2022.

Typed by Me:

Sri Vishek Bhuyan

Judicial Magistrate First Class, Tezpur

**APPENDIX**

**Prosecution Witness:**

PW-1: Sri Diganta Nath

**Defence Witness:**

NIL

**Prosecution Exhibits:**

Ext-P1 is the ejahar.

Ext-P1(1) is the signature of the informant on the ejahar.

**Defence Exhibits:**

NIL

Sri Vishek Bhuyan

Judicial Magistrate First Class, Tezpur.