

DISTRICT: SONITPUR

IN THE COURT OF JUDICIAL MAGISTRATE 1ST
CLASS, TEZPUR, SONITPUR

Present: Smt. Priyanka Saikia, AJS
Judicial Magistrate 1st Class Sonitpur, at Tezpur
G.R. Case No. 2079/2015
under Section 325, 294, 506 of IPC

STATE OF ASSAM

-VERSUS-

SRI DEBAJIT DAS

S/O: SRI PUNA DAS

VILL: BORDUBIA,

P.S.: TEZPUR,

DIST: SONITPUR, ASSAM

.....ACCUSED PERSON

Date of evidence : 06.01.2022

Date of argument : 06.01.2022

Date of judgment : 06.01.2022

Advocate appeared for the State : Sri Niranjan Saikia, Ld.

APP

Advocate appeared for the accused person: B. Borthakur

JUDGMENT

1. The informant, Sri Dul Kumar Das had lodged the ejahar in this case on 09.08.2015 alleging that on 08.08.2015 at about 09.30 P.M. when his father namely Sri

Nilai Das was sitting at his courtyard, at that time the accused person illegally entered his house and attacked his father with a axe and abused him and his family with filthy language. His father got grave injury and taken to TMCH. Hence, this case.

2. Upon receipt of the ejahar, the police registered Tezpur Police Station case no: 1031/2015 under Sections 448, 325, 294, 506 of Indian Penal Code, 1860 (hereinafter referred to as IPC). After completion of the investigation the police submitted charge-sheet against the accused person, Sri Debojit Das under Sections 325, 294, 506 of IPC.

3. The accused person entered trial and after furnishing the accused person with the copies of the relevant documents in compliance with Section 207 of Cr.P.C and upon finding sufficient materials against the accused person, charge Sections 325, 294, 506 of IPC was framed and was explained to the accused person to which he pleaded not guilty and claimed to be tried.

4. The prosecution examined the informant, Sri Dul Kumar Das as PW-1 and the victim, Sri Nilai Das as PW-2 and also exhibited the ejahar. The statement of the accused person under Section 313 of Cr.P.C was dispensed with due to the lack of incriminating materials against him. Defence declined to adduce evidence. I have heard the arguments for both sides.

5. Upon hearing and on perusal of the case record I have framed the following points for determination-

(I) Whether, 08.08.2015 at about 09.30 P.M. the accused person caused to voluntarily causes grievous hurt to the informant's father by Axe and hand and thereby committed an offence punishable under Section 325 of Indian Penal Code?

(II) Whether, on same date and same time the accused person uttered obscene act and word to the informant and to his family and thereby committed an offence punishable under Section 294 of Indian Penal Code?

(III) Whether, on same date and same time the accused person threatened the informant along with his family and thereby committed an offence punishable under Section 506 of Indian Penal Code?

DISCUSSION, REASONS AND DECISION THEREOF:

6. In the course of the evidence adduced by the prosecution, it emerged that the informant, informant, Sri Dul Kumar Das as PW-1 who was examined as PW-1 has stated that the instant case was filed due to anger and misunderstanding. He also stated that his father and accused person quarrelled for some family matters and his father got injured and without any knowledge he had lodged the Ejarah and now the matter was settled between them outside the court. Therefore, he does not want to proceed with the case and if the accused person is acquitted from the case he does not have any objection. PW-1 has proved his F.I.R. as Ext-1 and his signature therein as Ext. 1(1).

7. PW-2 has stated that his son had filed the instant case due to misunderstanding. He also stated that he and accused person had quarrelled for some family matter and he got injured and without any knowledge his son had lodged the Ejarhar and now the matter was amicably settled and he and his son do not want to proceed with the case and if the accused person is acquitted from the case he does not have any objection.

8. Since the informant and the victim, who launched the prosecution of the accused person has not incriminated the accused person, the case of the prosecution has fallen flat on its face. Hence, the points for determination are decided in the negative.

ORDER

9. Situated thus, the accused person, Sri Debojit Das is acquitted of the offence Sections 325, 294, 506 of IPC and set at liberty forthwith.

10. The bail bond of the accused persons will remain in force for 6 (six) months from today by virtue of Sec. 437A Cr.P.C.

Given under my hand and seal of this court on this 06th day of January, 2021 at Sonitpur, Assam.

Priyanka Saikia, AJS
Judicial Magistrate 1st Class
Sonitpur, Tezpur

APPENDIX

1. Witnesses for Prosecution

PW-1: Sri Dul Kumar Das

PW-2: Sri Nilai Das

2. Prosecution Exhibit

Exhibit 1: Ejahar

Priyanka Saikia, AJS
Judicial Magistrate 1st Class
Sonitpur, Tezpur