

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

**TEZPUR, ASSAM**

**G.R CASE NO:1476/15**

**U/S 341/323/294/34**

**of the Indian Penal Code**

State of Assam

.....PROSECUTOR

**-Vs.-**

**Jiten Karmakar**

S/o Krishna Karmakar

**Asha Karmakar**

W/o Jiten Karmakar

**Lakshmoni Karmakar**

W/o Krishna Karmakar

Village- Punioni

P.S-Tezpur, Dist- Sonitpur

.....ACCUSED

**PRESENT: VISHEK BHUYAN, LL.M, AJS**

**JUDICIAL MAGISTRATE FIRST CLASS, TEZPUR**

FOR PROSECUTION: LD. APP. Mr Tapan Das

FOR DEFENCE: R. Bharali

EVIDENCE RECORDED: 29.11.2021

ARGUMENTS HEARD ON: 15.12.2021

JUDGEMENT DELIVERED ON: 12.01.2022

## **JUDGMENT**

1. The accused persons Jiten Karmakar, Asha Karmakar and Lakshmoni Karmakar stood trial for offences punishable under Sections 341/323/294/34 of Indian Penal Code (hereinafter IPC).

### **Information and Investigation**

2. The genesis of this case has its roots with the lodging of Ejahar by informant Sri Debi Charan Karmakar is that from a few days prior to the lodging of this ejahar, and while the male members of their family were not present, the accused Jiten Karmakar came to their house with bad intentions and argued with them. On 17.06.2015 at around 6 P.M. the accused persons beat up the victims due to which they sustained injuries. Hence this case.
3. The Ejahar was received and registered as Tezpur P.S Case no 709/15 U/s 448/294/325/34 IPC. The police after investigation submitted charge sheet against the accused persons under section 341/323/294/34 of IPC.

### **Trial**

4. 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 CrPC). The particulars of the offences were explained to the accused persons, to which they pleaded not guilty and claimed to be tried.
5. In this case, the prosecution has examined the informant as PW-1. Considering testimony of the informant as well as the victim, the prosecution declined to further adduce evidence in this case. Hence, the evidence of prosecution side is closed. Examination of accused persons u/s 313 CrPC dispensed with as the prosecution did not adduce any implicating evidence against them.
6. 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**

- i. Whether the accused persons Jiten Karmakar, Asha Karmakar and Lakshmoni Karmakar together on 17.06.2015 at 6 P.M wrongfully confined the victim and thereby committed an offence punishable U/s 341/34 of the IPC?***
- ii. Whether the accused persons on the same day and time voluntarily caused hurt to the informant cum victim and, thereby, committed an offence punishable under Section 323/34 IPC?***
- iii. Whether the accused persons on the same day and time committed obscene act by use of foul words to the annoyance of public and thereby committed an offence punishable under section 294/34 of the Indian Penal Code?***

### **PROSECUTION EVIDENCE**

#### **Evidence of the informant cum victim**

7. **P.W 1 Debi Charan Karmakar** is the informant in this case. He states that on 16.06.2015 at about 5 P.M a fight occurred due to some misunderstanding due to which the ejarah was lodged. Presently the matter has been settled among both the sides and he also states that the accused persons are his relatives.
8. **In his cross examination**, he states that he has no objection if the accused persons are acquitted. He further deposes that Shiva Karmakar and Pinki Karmakar are his wards and that they have no objection if the accused persons are acquitted of the charges brought against them.

## **DISCUSSIONS, DECISIONS AND REASONS THEREOF**

9. Upon a perusal of the evidence, it is clear that the informant of this case does not wish to proceed with the case, as the case was lodged due to a personal difference arising but since then the matter has been resolved among the two parties amicably and has no issue if the accused is acquitted of the charges brought against him.
10. As such the prosecution has failed to prove that the accused persons have committed the offences u/s 341/323/294/34 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 341/323/294/34 of IPC against the accused persons Jiten Karmakar, Asha Karmakar and Lakshmoni Karmakar 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 PC.

Given in my hand and under the seal of this court on this the 12<sup>th</sup> day of January, 2022.

Typed by Me:

(Mr Vishek Bhuyan)  
Judicial Magistrate First Class  
Sonitpur, Tezpur

**APPENDIX**

**Prosecution Witness:**

PW-1: Debi Charan Karmakar

**Defence Witness:**

NIL

**Prosecution Exhibits:**

NIL

**Defence Exhibits:**

NIL

(Mr Vishek Bhuyan)  
Judicial Magistrate First Class  
Sonitpur, Tezpur