

IN THE COURT OF JMFC-20,  
SONITPUR, TEZPUR

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

[Date of the Judgment]  
**25-11-2022**

[PR Case No : 704 of 2019]  
[GR Case No : 2353 of 2017]

(Details of FIR/ Crime and Police Station)

Complainant :	STATE OF ASSAM  OR  Abdul Kuddush
REPRESENTED BY	Learned A.P.P Sri Niranjan Saikia

ACCUSED PERSONS

A1. Sri Brinda Ghatowar  
A2. Sri Hemlal Ghatowar  
Both are S/o- Mahabir Ghatowar  
A3. Sri Bimal Ghatowar  
A4. Sri Amal Ghatowar.  
Both are S/o- Minda Ghatowar  
A5. Sri Radhe Ghatowar  
S/o- Lt. Punit Ghatowar  
All are R/o- Amtol Baligaon  
A6. Sri Ramu Mahato  
S/o- Lt. Dhiren Mahato  
A7. Sri Jogen Mahato  
S/o- Lt. Dhiren Mahato  
A8. Sri Bijoy Ghatowar  
S/o- Lt. Mangilal Ghatowar  
A9. Sri Jugnu Ghatowar  
S/o- Sri Indra Ghatowar  
A10. Sri Majnu Ghatowar  
S/o- Sri Dina Ghatowar  
A11. Sri Kartik Ghatowar  
S/o- Sr Dino Ghatowar.  
From no. A.6 to A.11 are R/o- Amtol Bangaligaon.  
A12. Sri Mihir Mahato.  
S/o- Sri Naresh Mahato.  
Vill- Amtol Bongaligaon.  
A.13 Sri Mahadeb Mahato.  
S/o- Lt Mahindra Mahato.  
Vill- Amtol Bongaligaon.  
A14. Sri Basala Ghatowar.  
S/o- Lt. Ram Dayal Ghatowar.  
Vill- Amtol Baligaon.  
A15. Sri Lal Bahadur Ghatowar.  
S/o- Lt. Punit Ghatowar.  
Vill- Amtol Baligaon.  
A16. Sri Raju Ghatowar

	S/o- Mangilal Ghatowar Vill- Amtol Bongaligaon. All are P.S- Dhekiajuli Dist- Sonitpur (Assam)
Represented by	S.K Singh

**FORM B**

Date of Offence	21.06.2017
Date of FIR.	22.06.2017
Date of Charge-sheet	31.08.2017
Date of charge framed	10.10.2022
Date of commencement of evidence	03.11.2022
Date on which judgment is reserved	NIL
Date of the Judgment	25.11.2022
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.
A1.	Sri Brinda Ghatowar	NA	24.10.2019	143/294/323/506 IPC	Acquitted	NIL	

A2.	Sri Hemlal Ghatowar	NA	24.10.2019	143/294/323/506 IPC	Acquitted	NIL	
A3.	Sri Bimal Ghatowar	NA	24.10.2019	143/294/323/506 IPC	Acquitted	NIL	
A4.	Sri Amal Ghatowar.	NA	24.10.2019	143/294/323/506 IPC	Acquitted	NIL	
A5.	Sri Radhe Ghatowar	NA	30.11.2021	143/294/323/506 IPC	Acquitted	NIL	
A6.	Sri Ramu Mahato	NA	30.11.2021	143/294/323/506 IPC	Acquitted	NIL	
A7.	Sri Jogen Mahato	NA	24.10.2019	143/294/323/506 IPC	Acquitted	NIL	
A8.	Sri Bijoy Ghatowar	NA	30.11.2021	143/294/323/506 IPC	Acquitted	NIL	
A9.	Sri Jugnu Ghatowar	NA	30.11.2021	143/294/323/506 IPC	Acquitted	NIL	
A10.	Sri Manju Ghatowar	NA	30.11.2021	143/294/323/506 IPC	Acquitted	NIL	
A11.	Sri Kartik Ghatowar	NA	10.05.2022	143/294/323/506 IPC	Acquitted	NIL	

A12.	Sri Mihir Mahato.	NA	30.11.2021	143/294/323/506 IPC	Acquitted	NIL	
A13.	Sri Mahadeb Mahato.	NA	30.11.2021	143/294/323/506 IPC	Acquitted	NIL	
A14.	Sri Basala Ghato-war.	NA	10.05.2022	143/294/323/506 IPC	Acquitted	NIL	
A15.	Sri Lal Bahadur Ghato-war.	NA	30.11.2021	143/294/323/506 IPC	Acquitted	NIL	
A16.	Sri Raju Ghato-war	NA	30.11.2021	143/294/323/506 IPC	Acquitted	NIL	

### Form C

#### A. Prosecution

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
PW1	Abdul Kuddus	Informant.
PW 2	Jahura Khatoon	Other informant.
PW3	Khudeja Parbin	Other informant.
PW4	Halima Khatoon	Other informant.
PW5	Noor Islam	Other informant.

PW6	Asmat Ali	Other informant.
PW7	Asharuddin Ali	Other informant.
PW8	Ainul Ali	Other informant.
PW9	Ajir Ali	Other 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
NIL	NIL	NIL
NIL	NIL	NIL

**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**

**P.R CASE NO: 704 OF 2019**

**G.R CASE NO: 2353 OF 2017**

**U/Sec 143/294/323/506 of the Indian Penal  
Code**

State of Assam

.....PROSECUTOR

**-Vs-**

**A1. Sri Brinda Ghatowar**

**A2. Sri Hemlal Ghatowar**

Both are S/o- Mahabir Ghatowar

**A3. Sri Bimal Ghatowar**

**A4. Sri Amal Ghatowar.**

Both are S/o- Minda Ghatowar

**A5. Sri Radhe Ghatowar**

S/o- Lt. Punit Ghatowar

All are R/o- Amtol Baligaon

**A6. Sri Ramu Mahato**

S/o- Lt. Dhiren Mahato

**A7. Sri Jogen Mahato**

S/o- Lt. Dhiren Mahato

**A8. Sri Bijoy Ghatowar**

S/o- Lt. Mangilal Ghatowar



**A9. Sri Jugnu Ghatowar**

S/o- Sri Indra Ghatowar

**A10. Sri Majnu Ghatowar**

S/o- Sri Dina Ghatowar

**A11. Sri Kartik Ghatowar**

S/o- Sr Dino Ghatowar.

From no. A.6 to A.11 are R/o- Amtol Bangaligaon.

**A12. Sri Mihir Mahato.**

S/o- Sri Naresh Mahato.

Vill- Amtol Bongaligaon.

**A.13 Sri Mahadeb Mahato.**

S/o- Lt Mahindra Mahato.

Vill- Amtol Bongaligaon.

**A14. Sri Basala Ghatowar.**

S/o- Lt. Ram Dayal Ghatowar.

Vill- Amtol Baligaon.

**A15. Sri Lal Bahadur Ghatowar.**

S/o- Lt. Punit Ghatowar.

Vill- Amotl Baligaon.

**A16. Sri Raju Ghatowar**

S/o- Mangilal Ghatowar

Vill- Amtol Bongaligaon.

All are P.S- Dhekiajuli

Dist- Sonitpur (Assam)

.....ACCUSED PERSONS

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

FOR PROSECUTION: LD. APP. Sri Niranjan Saikia

FOR DEFENCE: Ld. Advocte S.K Singh

EVIDENCE RECORDED: 03.11.2022

ARGUMENTS HEARD ON: 03.11.2022

JUDGEMENT DELIVERED ON: 25.11.2022

**JUDGMENT**

- 1.** The accused persons Sri Binod Ghatowar, Sri Hemlal Ghatowar, Sri Bimal Ghatowar, Sri Amal Ghatowar, Sri Radhe Ghatowar, Sri Ramu Mahato, Sri Jogen Mahatow, Sri Bijay Ghatowar, Sri Jugnu Ghatowar, Sri, Majnu Ghatowar, Sri Kartik Ghatowar, Sri Mihir Mahato, Sri Mahadeb Mahato, Sri Basalal Ghatowar, Sri Lal Bahadur Ghatowar and Sri Raju Ghatowar stood trial for offences punishable under Sections 143/294/323/506 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 Abdul Kuddus wherein he stated that on 21.06.2017 at about

9:30 AM the accused persons physically assaulted the informant and his relatives with bow and arrow, dao, stick and rod as a result of which they sustained injuries. Hence this case.

3. The Ejahar was received and registered as Dhekiajuli P.S Case no. 550/2017 U/s 147/148/326 of IPC. The police after investigation submitted charge sheet against the accused persons under Sections 143/294/323/506 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 Cr.P.C). Accordingly, charges under the aforesaid section has been framed 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, 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 Cr.P.C 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 point of determination.

**POINT FOR DETERMINATION**

***i) Whether the accused persons on 21.06.2017 at about 9:30 AM were members of unlawful assembly and thereby committed an offence punishable U/s 143 of IPC ?***

***ii) Whether the accused persons on 21.06.2017 at about 9:30 AM verbally abused the informant with obscene words in a public place and thereby committed an offence punishable U/s 294 of IPC ?***

***iii) Whether the accused persons 21.06.2017 at about 9:30 AM physically assaulted and injured the victims and thereby committed an offence punishable U/s 323 of IPC ?***

***IV) Whether the accused persons on 25.10.2020 at 10:30 PM threatened the informant and the victim with injury to their person and property with intent to cause to them and intimidated them and thereby committed an offence punishable U/s 506 of IPC ?***

**PROSECUTION EVIDENCE**  
**Evidence of the informant**

**7. P.W 1 Abdul Kuddus** states that he is the informant. He knows the accused persons. The incident took place in the year 2017 at Amtol Bongali Gaon. A misunderstanding took place between them regarding a land dispute. The accused persons are from his village. He filed this case a result of misunderstanding. No physical altercation took place among them. **In the cross examination** he stated that due to the misunderstanding the accused persons also filed a case against them. They had compromised their case against them. He does not have any objection if the accused persons are acquitted from this case.

**8. P.W 2 Jahura Khatoon** states the she knows the informant. He is her father in law. She knows the accused persons standing in the dock. The

incident took place in the year 2017 at Amtol Bongali Gaon. A misunderstanding took place between them regarding a land dispute. The accused persons are from his village. Presently, the matter had been settled among them. She sustained injury due to fault of her own. **In the cross examination** she stated that due to the misunderstanding the accused persons also filed a case against them. They had compromised their case against her father in law. She does not have any objection if the accused persons are acquitted from this case.

**9. P.W 3 Khudeja Parbin** states the she knows the informant. He is her father in law. She knows the accused persons standing in the dock. The incident took place in the year 2017 at Amtol Bongali Gaon. A misunderstanding took place between them regarding a land dispute. The accused persons are from his village. Presently, the matter had been settled among them. She sustained injury due to fault of her own. **In the cross examination** she stated that due to the misunderstanding the accused persons also filed a case against her father in law. They had compromised their case against them. She does not have any objection if the accused persons are acquitted from this case.

**10. P.W 4 Halima Khatoon** states the she knows the informant. He is her father.. She knows the accused persons standing in the dock. The incident took place in the year 2017 at Amtol Bongali Gaon. A misunderstanding took place between them regarding a land dispute. The accused persons are from his village. Presently, the matter had been settled among them. She sustained injury due to fault of her own. **In the cross examination** she stated that due to the misunderstanding the accused persons also filed a case against her father. They had compromised their case against them. She does not have any objection if the accused persons are acquitted from this case.

**11. P.W 5 Noor Islam** states the he knows the informant. He is his father. He knows the accused persons standing in the dock. The incident took place in the year 2017 at Amtol Bongali Gaon. A misunderstanding took place between them regarding a land dispute. The accused persons are from his village. Presently, the matter had been settled among them. She sustained injury due to fault of her own. **In the cross examination** he stated that due to the misunderstanding the

accused persons also filed a case against his father. They had compromised their case against them. She does not have any objection if the accused persons are acquitted from this case.

**12. P.W 6 Asmat Ali** states the he knows the informant. He is his paternal uncle. He knows the accused persons standing in the dock. The incident took place in the year 2017 at Amtol Bongali Gaon. A misunderstanding took place between them regarding a land dispute. The accused persons are from his village. Presently, the matter had been settled among them. She sustained injury due to fault of her own. **In the cross examination** he stated that due to the misunderstanding the accused persons also filed a case against his paternal uncle. They had compromised their case against them. She does not have any objection if the accused persons are acquitted from this case.

**13. P.W 7 Asharuddin Ali** states the he knows the informant. He is his paternal uncle. He knows the accused persons standing in the dock. The incident took place in the year 2017 at Amtol Bongali Gaon. A misunderstanding took place between them regarding a land dispute.



The accused persons are from his village. Presently, the matter had been settled among them. She sustained injury due to fault of her own. **In the cross examination** he stated that due to the misunderstanding the accused persons also filed a case against his paternal uncle. They had compromised their case against them. She does not have any objection if the accused persons are acquitted from this case.

**14. P.W 8 Ainul Ali** states the he knows the informant. He is his father. He knows the accused persons standing in the dock. The incident took place in the year 2017 at Amtol Bongali Gaon. A misunderstanding took place between them regarding a land dispute. The accused persons are from his village. Presently, the matter had been settled among them. She sustained injury due to fault of her own. **In the cross examination** he stated that due to the misunderstanding the accused persons also filed a case against his father. They had compromised their case against them. She does not have any objection if the accused persons are acquitted from this case.

**15. P.W 9 Ajir Ali** states the he knows the informant. He is his father. He knows the

accused persons standing in the dock. The incident took place in the year 2017 at Amtol Bongali Gaon. A misunderstanding took place between them regarding a land dispute. The accused persons are from his village. Presently, the matter had been settled among them. She sustained injury due to fault of her own. **In the cross examination** he stated that due to the misunderstanding the accused persons also filed a case against his father. They had compromised their case against them. She does not have any objection if the accused persons are acquitted from this case.

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

- 16.** Upon perusal of the evidence it is seen that the case was lodged in due to some misunderstanding but since then the matter has been settled between them amicably and the informant does not wish to proceed with the case. Further, the informant has no objection if the accused persons are acquitted from this case.
- 17.** As such the prosecution has failed to prove that the accused persons have committed the

offences under sections 143/294/323/506 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 143/294/323/506 of IPC against the accused persons Sri Binod Ghatowar, Sri Hemlal Ghatowar, Sri Bimal Ghatowar, Sri Amal Ghatowar, Sri Radhe Ghatowar, Sri Ramu Mahato, Sri Jogen Mahatow, Sri Bijay Ghatowar, Sri Jugnu Ghatowar, Sri, Majnu Ghatowar, Sri Kartik Ghatowar, Sri Mihir Mahato, Sri Mahadeb Mahato, Sri Basalal Ghatowar, Sri Lal Bahadur Ghatowar and Sri Raju Ghatowar beyond all reasonable doubt. Hence, he is 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 25<sup>th</sup> day of November, 2022.

Typed by Me:

Sri Vishek Bhuyan

Judicial Magistrate First Class, Tezpur

**APPENDIX**

**Prosecution Witness:**

PW 1: Abdul Kuddus : Informant.

PW2: Jahura Khatoon: Other witness

PW3: Khudeja Parbin: Other witness

PW4: Halima Khatoon: Other witness

PW5: Noor Islam: Other witness

PW6: Asmat Ali: Other witness

PW7: Asharuddin Ali: Other witness

PW8: Ainul Ali: Other witness

PW9: Ajir Ali: Other witness.

**Defence Witness:**

NIL

**Prosecution Exhibits:**

NIL.

**Defence Exhibits:**

NIL

Sri Vishek Bhuyan

Judicial Magistrate First Class, Tezpur.