

APPENDIX-12**IN THE COURT OF CHIEF JUDICIAL MAGISTRATE, SONITPUR****TEZPUR**

Present:- Sri Nabajit Bhatta. AJS. MA, LL.B.
Chief Judicial Magistrate,
Sonitpur, Tezpur

[Date of the Judgment]
05.09.2022

[PR Case No-1051 of 2022]

(FIR NO-103/2021 DATED-09.06.2021/VOLUNTARILY CAUSING HURT CASE AND
JAMUGURI POLICE STATION)

COMPLAINANT :	STATE OF ASSAM OR Smt. Mayuri Saikia, W/O:- Sri Kumud Saikia, R/O:- Tupiya, P/S:- Jamuguri, Dist:- Sonitpur, Assam
REPRESENTED BY	Mrs. Karabi Das, Ld. Asst. P.P
ACCUSED PERSONS	1. Sri Hiranya Das, S/O:- Sri Jogen Das, R/O:- Tupiya, P/S:- Jamuguri, Dist:- Sonitpur, Assam 2. Sri Sapon Das S/O:- Sri Jogen Das, R/O:- Tupiya, P/S:- Jamuguri, Dist:- Sonitpur, Assam
REPRESENTED BY	Mr. Rocktim Baruah, Ld. Counsel

APPENDIX-13

Date of Offence	09.06.2021
Date of FIR	09.06.2021
Date of Charge Sheet	31.01.2022
Date of Offence Explanation	24.08.2022
Date of commencement of evidence	05.09.2022
Date on which judgment is reserved	05.09.2022
Date of Judgment	05.09.2022
Date of the Sentencing Order, if any	NIL

ACCUSED DETAILS :

Rank of the Accused	Name of the accused	Date of Arrest	Date of Release on Bail	Offences charged with	Whether acquitted or convicted	Sentenced Imposed	Period of Detention undergone during Trial for purpose of Sec. 428 Cr.P.C.
A-1	Sri Hiranya Das,	NIL	NIL	Sec-323/34 of IPC	Acquitted	NIL	NIL
A-2	Sri Sapon Das	NIL	NIL	Sec-323/34 of IPC	Acquitted	NIL	NIL

IN THE COURT OF CHIEF JUDICIAL MAGISTRATE, SONITPUR::
TEZPUR

P. R. Case No-1051 of 2022

State of Assam

–Vs–

1. Sri Hiranya Das
2. Sri Sapon Das

.....Accused Persons

Under section-323/34 of I.P.C

Present:

Sri Nabajit Bhatta AJS. MA, LL.B.
Chief Judicial Magistrate, Sonitpur at Tezpur

08th day of August, 2022

Mrs. K. Das, Asst. P.P Advocate for the State
Mr. R. Baruah, Ld. Counsel Advocate for the Accused

Date of Hearing : 05.09.2022

Date of Argument : 05.09.2022

Date of Judgment : 05.09.2022

J U D G M E N T

1. Prosecution story in brief is as follows that on 09.06.2021 informant, namely, Smt. Mayuri Saikia lodged an FIR before the O/C of Jamuguri Police Station to the effect that on the said date at about 04:30 PM one Sri Roni Bora had committed theft of broiler (Chicken) food around 01 beg from the broiler firm of accused Sri Hiranya Das and thereafter, sold the same to her brother, namely, Sri Madhujya Saikia and in connection with the same the village headman Sri Prosanta Das and VDP Secretary Sri Rajib Das held a meeting at the firm of the accused Sri Hiranya Das. Thereafter, accused Sri Hiranya Das along with the co-accused person, namely, Sri Sapon Das with intend to kill her brother had inflicted with

iron rod on his head and due to that her brother sustained grievous injury on his person. It is also stated that when she tried to save her brother, then both the accused persons also assaulted her and causing her injury and further dashing pushing took place between them. It is further stated that her brother was immediately taken to Jamuguri CHC for his treatment and further referred to TMCH, Tezpur for his better treatment. Hence, the case.

2. The instant case was registered under section-307/325/354/34 of I.P.C. and police investigated the same. After completion of investigation police submitted charge-sheet against the accused persons under section-323/294/34 of I.P.C.
3. That Ld. Chief Judicial Magistrate, Sonitpur, Tezpur took cognizance of the offence against the accused persons. On appearance of the accused persons copies of relevant documents were furnished to accused persons and particulars of offences under section-323/34 of I.P.C. were read over and explained to the accused persons to which they pleaded not guilty and claimed to be tried.
4. Prosecution in order to prove the case has examined only two numbers of witnesses i.e. the informant and the victim in support of this case. Defence plea was total denial. Defence has adduced no evidence. Statements of the accused persons have been recorded U/S-313 of Cr. P.C.

5. **POINTS FOR DETERMINATION:-**

- (i.) Whether the accused persons on 09.06.2021 at about 04:30 PM at Tupiya under Jamuguri PS in furtherance of their common intention voluntarily caused hurt to the informant and her brother, namely, Sri Madhujya Saikia and thereby committed an offence punishable under section-323/34 of I.P.C.?

6. Heard argument from the Ld. Advocate of the accused persons. On perusal of the evidence on record and case diary the very findings are as follows.

DISCUSSION, DECISION AND REASONS THEREOF

7. The prosecution opening the account of examining the witnesses first brought the informant, namely, Smt. Mayuri Saikia as PW-1. The PW-1 has stated in her evidence-in-chief that she knows the accused persons of this case. She also stated that the incident took place in the year 2021 and on the date of incident an altercation took place between her brother and accused persons. She further stated that her brother sustained injury during scuffle and after that out of misunderstanding she lodged the ejahar against the accused persons. She identified her ejahar as P. Ext-1 wherein she put her signature as P. Ext-1(1). In cross-examination, PW-1 has stated that she has no objection if the accused persons are released by the court.
8. PW-2, Sri Madhurjya Saikia being the victim of this case has stated in his evidence-in-chief that the complainant is his sister and the accused persons are known to him. He further stated that the incident took place in the year 2021 and on the date of incident an altercation took place between him and the accused persons and he sustained injury during the scuffle. He also stated that after that out of misunderstanding his sister lodged the ejahar against the accused persons. Later on, they have amicably settled their dispute. In cross-examination, PW-2 has stated that he has no objection if the accused persons are released by the court.
9. I have minutely perused the evidences on record including the cross-examination of the witnesses. From the above discussions, no sufficient incriminatory materials have been found against the accused persons. Thus, keeping view of what has been discussed above this court has no least hesitation that the prosecution has failed miserably to establish the

guilt of the accused persons U/S: 323/34 of I.P.C. Hence, the accused persons, namely, Sri Hiranya Das and Sri Sapon Das are not found guilty.

ORDER

Accused persons, namely, Sri Hiranya Das and Sri Sapon Das are acquitted from the Charges under section-323/34 of I.P.C. and set at liberty forthwith.

Bail-bond of the accused persons is extended for six months in view of section-437A of Cr PC.

Judgment is prepared and pronounced in open court. Given under my hand & seal of this court on this 05th day of September, 2022 at Tezpur.

(Sri Nabajit Bhatta)
Chief Judicial Magistrate,
Sonitpur: Tezpur

Dictated and Corrected by me

Chief Judicial Magistrate,
Sonitpur: Tezpur

APPENDIX -14
LIST OF PROSECUTION/DEFENCE/COURT WITNESSES

A. Prosecution:

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
PW-1	Smt. Mayuri Saikia	INFORMANT
PW-2	Sri Madhurjya Saikia	VICTIM

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
1	Ext-1/PW-1	Ejhar
2	Ext-1(1)	Signature of PW-1

B. Defence:

Sr. No.	Exhibit Number	Description
NIL	NIL	NIL

C. Court Exhibits:

Sr. No.	Exhibit Number	Description
NIL	NIL	NIL

D. Material Objects:

Sr. No.	Exhibit Number	Description
NIL	NIL	NIL

Chief Judicial Magistrate,
Sonitpur: Tezpur