

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]
10.10.2022

[PR Case No-124 of 2020]

(FIR NO-1537/2019 DATED-17.08.2019/VOLUNTARILY CAUSING HURT/CRIMINAL
INTIMIDATION CASE AND TEZPUR POLICE STATION)

COMPLAINANT :	STATE OF ASSAM OR Smt. Rita Kataki, W/O:- Sri Trailokya Kataki, R/O:- Borjhargaon, P/S:- Tezpur, Dist:- Sonitpur, Assam
REPRESENTED BY	Mrs. Karabi Das, Ld. Asst. P.P
ACCUSED PERSON	Sri Charanjit Kataki, S/O:- Sri Trailokya Kataki, R/O:- Borjhargaon, P/S:- Tezpur, Dist:- Sonitpur, Assam
REPRESENTED BY	Mrs. Rebena Begum, Ld. Counsel

APPENDIX-13

Date of Offence	17.08.2019
Date of FIR	17.08.2019
Date of Charge Sheet	30.09.2019
Date of Offence Explanation	26.09.2022
Date of commencement of evidence	10.10.2022
Date on which judgment is reserved	10.10.2022
Date of Judgment	10.10.2022
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 Charanjit Katak	NIL	NIL	Sec-323/506 of IPC	Acquitted	NIL	NIL

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

P. R. Case No-124 of 2020

State of Assam

–Vs–

Sri Charanjit Kataki

.....Accused Person

Under section-323/506 of I.P.C

Present:

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

10th day of October, 2022

Mrs. K. Das, Asst. P.P

..... Advocate for the State

Mrs. R. Begum, Ld. Counsel

..... Advocate for the Accused

Date of Hearing : 10.10.2022

Date of Argument : 10.10.2022

Date of Judgment : 10.10.2022

J U D G M E N T

1. Prosecution story in brief is as follows that on 17.08.2019 informant, namely, Smt. Rita Kataki lodged an FIR before the O/C of Tezpur Police Station to the effect that on the same date at about 03:00 PM, the accused being her son demanded Rs.40,00,000/- from her and due to that the accused caught hold of her neck and tried to kill her and due to that she sustained neck injury. It is also stated that the accused further threatened her to kill her and her husband. Hence, the case.
2. The instant case was registered under section-385/307/506 of I.P.C. and police investigated the same. After completion of investigation police submitted charge-sheet against the accused person under section-385/294/323/506 of I.P.C.

3. That my Ld. Predecessor in office took cognizance of the offence against the accused person. On appearance of the accused person copies of relevant documents were furnished to accused person and particulars of offences under section-323/506 of I.P.C. were read over and explained to the accused person by my Ld. Predecessor to which he pleaded not guilty and claimed to be tried.
4. Prosecution in order to prove the case has examined the informant-cum-victim in support of this case. Defence plea was total denial. Defence has adduced no evidence. Statement of the accused has been recorded U/S-313 of Cr. P.C.
5. **POINTS FOR DETERMINATION:-**
 - (i.) Whether the accused person on 17.08.2019 at about 03:00 PM at Borjhargaon under Tezpur PS voluntarily caused hurt to the informant, namely, Smt. Rita Katak and thereby committed an offence punishable under section-323 of I.P.C.?
 - (ii.) Whether the accused person on the same date, time and place threatened the informant-cum-victim namely, Smt. Rita Katak with dear consequences of her life and thereby committed an offence punishable under section-506 of IPC?
6. Heard argument from the Ld. Advocate of the accused person. 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. Rita Katak as PW-1. The PW-1 has stated in her evidence-in-chief that she knows the accused person of this case and he is her son. She also stated that in the year 2019 an altercation took place between her and her son over some monetary

matter. She further stated that during scuffle she sustained little injury due to fall on the ground and out of misunderstanding she lodged the ejahar against the accused person. 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 person is released by the court.

8. I have minutely perused the evidences on record including the cross-examination of the witness. From the above discussions, no sufficient incriminatory materials have been found against the accused person. 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 person U/S: 323/506 of I.P.C. Hence, the accused person, namely, Sri Charanjit Kataki is not found guilty.

ORDER

Accused person, namely, Sri Charanjit Kataki is acquitted from the Charges under section-323/506 of I.P.C. and set at liberty forthwith.

Bail-bond of the accused person 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 10th day of October, 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. Rita Katak	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
1	Ext-1/PW-1	Ejaha
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