

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]

03.12.2022

[PR Case No-1336 of 2018]

(FIR NO-1337/2018 DATED-02.06.2018/CRIMINAL TRESPASS/VOLUNTARILY CAUSING HURT BY DANGEROUS WEAPONS OR MEANS CASE AND TEZPUR POLICE STATION)

COMPLAINANT :	STATE OF ASSAM OR Sri Ghana Kanta Nath @ Babuli, S/O:- Late Jaliram Nath, R/O:- Baruah Doloni, P/S:- Tezpur, Dist:- Sonitpur, Assam
REPRESENTED BY	Mrs. Karabi Das, Ld. Asst. P.P
ACCUSED PERSON	Sri Rabin Nath @ Baba Nath, S/O:- Late Juwai Nath, R/O:- Baruah Doloni, P/S:- Tezpur, Dist:- Sonitpur, Assam
REPRESENTED BY	Mrs. Rebena Begum, Ld. Counsel

APPENDIX-13

Date of Offence	31.05.2018
Date of FIR	01.06.2018
Date of Charge Sheet	30.06.2018
Date of Framing of Charge	10.08.2022
Date of commencement of evidence	29.11.2022
Date on which judgment is reserved	29.11.2022
Date of Judgment	03.12.2022
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 Rabin Nath@ Baba Nath	NIL	NIL	Sec-448/324 of IPC	Acquitted	NIL	NIL

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

P. R. Case No-1336 of 2018

State of Assam

-Vs-

Sri Rabin Nath @ Baba Nath

.....Accused Person

Under section-448/324 of I.P.C

Present:

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

03rd day of December, 2022

Mrs. K. Das, Asst. P.P

..... Advocate for the State

Mrs. R. Begum, Ld. Counsel

..... Advocate for the Accused

Date of Hearing

: 29.11.2022

Date of Argument

: 29.11.2022

Date of Judgment

: 03.12.2022

J U D G M E N T

1. Prosecution story in brief is as follows that on 01.06.2018 informant, namely, Sri Ghanakanta Nath lodged an FIR before the O/C of Tezpur Police Station through In-charge of Bihaguri Police Outpost to the effect that on 31.05.2018 at about 09:30 PM, while he along with the brother of accused were having dinner in his house accused person, namely, Sri Baba Nath had illegally entered into his house alleging that he spread false rumour about his wife and thereafter, the accused with intent to kill him had assaulted him with a bamboo stick from backside on his head, ear, face etc. and due to that he sustained grievous injuries on various parts of his body. Thereafter, he raised hue and cry and fell down on the ground and on hearing the same one Jitu Nath came there to save his

life and in the meantime the above-named accused fled away from the place of occurrence. It is also stated that said Jitul Nath took him to TMCH, Tezpur for his treatment. Hence, the case.

2. The instant case was registered under section-448/325 of Indian Penal Code and police investigated the same. After completion of investigation police submitted charge-sheet against the accused person, namely, Sri Rabin Nath @ Baba Nath under section-448/324 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 the charges under section-448/324 of I.P.C. was framed against the accused and the said charge was read over and explained to the accused person to which he pleaded not guilty and claimed to be tried.
4. Prosecution in order to prove the case has examined only one number of witness i.e. the informant-cum-victim in support of this case. Defence plea was total denial. Defence has adduced no evidence. Statement of the accused person has been not recorded U/S-313 of Cr. P.C.

5. **POINTS FOR DETERMINATION:-**

- (i.) Whether the accused person on 31.05.2018 at about 09:30 PM at Baruah Doloni under Tezpur PS committed criminal trespass by entering into the house of the informant, Sri Ghanakanta Nath with intent to commit an offence of assault and thereby committed an offence punishable u/s-448 of Indian Penal Code?
- (ii.) Whether the accused person on the same date, time and place voluntarily caused grievous hurt to the informant namely, Sri Ghanakanta Nath with a bamboo stick on his head, ear, face, etc. and thereby committed an offence punishable under section-324 of the Indian Penal Code?

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, Sri Ghanakanta Nath as PW-1. The PW-1 has stated in his evidence-in-chief that he knows the accused person of this case. He also stated that the incident took place in the year 2018 one day at night and at that time, he was eating rice at his house then the accused came to their house with consuming alcohol. He further stated that when he asked him why he came to his house with consuming alcohol then the accused made an altercation with him. He also stated that a scuffle took place between them and he sustained injury in his body by falling on sharp substance. He also stated that he took treatment at hospital. After that he lodged the ejahar against the accused person. He identified the ejahar as P.Ext-1 wherein he put his signature as P.Ext-1(1). He also stated that thereafter, they have amicably settled the case outside the court and he does not want to proceed further against the accused person. In cross-examination, PW-1 has stated that he has no objection if the accused person is released by the court.
8. I have minutely perused the evidence 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: 448/324 of I.P.C. Hence, the accused person, namely, Sri Rabin Nath @ Baba Nath is not found guilty.

ORDER

Accused person, namely, Sri Rabin Nath @ Baba Nath is acquitted from the Charges under section-448/324 of Indian Penal Code 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 03rd day of December, 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	Sri Ghana Kanta Nath	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	Ejahaar
	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