

**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]

**09.12.2022****[PR Case No-20 of 2018]**

(FIR NO-903/2018 DATED-05.05.2018/WRONGFUL RESTRAINT/VOLUNTARILY  
 CAUSING HURT BY DANGEROUS WEAPONS OR MEANS CASE AND TEZPUR POLICE  
 STATION)

COMPLAINANT :	STATE OF ASSAM OR Sri Rashmi Kanta Nath, S/O:- Late Nabin Ch. Nath, R/O:- Likhok Gaon, P/S:- Tezpur, Dist:- Sonitpur, Assam
REPRESENTED BY	Mrs. Karabi Das, Ld. Asst. P.P
ACCUSED PERSON	Sri Jyoti Koch, S/O:- Late Jiban Ch. Koch, R/O:- Likhok Gaon, P/S:- Tezpur, Dist:- Sonitpur, Assam
REPRESENTED BY	Mr. Swami Nath, Ld. Counsel

**APPENDIX-13**

Date of Offence	04.05.2018
Date of FIR	05.05.2018
Date of Charge Sheet	31.05.2018
Date of Framing of Charge	24.01.2020
Date of commencement of evidence	09.12.2022
Date on which judgment is reserved	09.12.2022
Date of Judgment	09.12.2022
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 Jyoti Koch	05.05.2018	08.06.2018	Sec-341/324 of IPC	Acquitted	NIL	33 Days

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

**P. R. Case No-20 of 2018**

State of Assam

-Vs-

Sri Jyoti Koch

.....Accused Person

Under section-341/324 of I.P.C

*Present:*

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

09<sup>th</sup> day of December, 2022

Mrs. K. Das, Asst. P.P

..... Advocate for the State

Mr. S. Nath, Ld. Counsel

..... Advocate for the Accused

Date of Hearing : 09.12.2022

Date of Argument : 09.12.2022

Date of Judgment : 09.12.2022

**J U D G M E N T**

1. Prosecution story in brief is as follows that on 05.05.2018 informant, namely, Sri Rashmi Kanta Nath lodged an FIR before the O/C of Tezpur Police Station through In-charge of Bihaguri Police Outpost to the effect that on 04.05.2018 at about 03:00 AM, while his son Sri Bicky Nath was enjoying cultural programme at Likhok Gaon, then accused Sri Jyoti Koch silently coming from backside had assaulted his son on his neck with a sharp weapon and due to that his son sustained grievous injuries on his person. It is also stated that the above-named accused also assaulted his son and caused him injured on various parts of his body. On seeing the same Sri Bikram Nath and Sri Pragyan Nath went there to separate them but the above-named accused person also inflicted the said two persons,

as a result of which said Sri Bikram Nath and Sri Pragyan Nath sustained grievous injuries on their persons. Hence, the prosecution case.

2. The instant case was registered under section-341/326 of Indian Penal Code and police investigated the same. After completion of investigation police submitted charge-sheet against the accused person, namely, Sri Jyoti Koch under section-341/323 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-341/324 of I.P.C. was framed against the accused and the said charge was 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 as many as four numbers of witnesses including the informant and victims in support of this case. Defence plea was total denial. Defence has adduced no evidence. Statement of the accused person has been recorded U/S-313 of Cr. P.C.

5. **POINTS FOR DETERMINATION:-**

- (i.) Whether the accused person on 04.05.2018 at about 03:00 AM at Likhok Gaon under Tezpur PS wrongfully restrained Biki Nath, Bikram Nath and Pragyan Borah and thereby committed an offence punishable under section-341 of Indian Penal Code?
  - (ii.) Whether the accused person on the same date, time and place voluntarily caused grievous hurt to the victims namely, Biki Nath, Bikram Nath and Pragyan Borah by means of a sharp weapon 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 Rashmi Kanta 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 about 4 years ago one day at about 03:00 PM and on the day of the incident, an altercation took place at Bihu Function between the accused and his son Bicky Nath along with his friends. He stated that his son sustained injury on his neck during the scuffle due to fall on fencing and the friends of his son also sustained little injury due to scuffle. After that he lodged ejahar against the accused person. He identified his ejahar as P. Ext-1 wherein he put his signature as P. Ext-1(1). He also stated that at present he has no grievance against the accused person and they mutually settled the case outside the court. In cross-examination, PW-1 has stated that as per suggestion by the public, he lodged the case for this incident. Therefore, he has no objection if the accused person is released by the court.
8. PW-2, Sri Bikram Nath being the victim of this case has stated in his evidence that he knows the informant and the accused person of this case. He further stated that the incident took place about 4 years back one day at about 03:00 PM and on the day of the incident, an altercation took place at Bihu Function between him and the accused person. He stated that he sustained injury on his neck during the scuffle due to fall on fencing and his friend Pragyan also sustained injury due to scuffle. After that his father lodged the ejahar against the accused person. He also stated that at present he has no grievance against the accused person and therefore, they mutually settled the case outside the court. In cross-examination, PW-2 has stated that he has no objection if the accused person is released by the court.
9. PW-3, Sri Pragyan Borah being the victim of this case has stated in his evidence that he knows the informant and the accused person of this

case. He further stated that the incident took place about 4 years back one day at about 03:00 PM and on the day of the incident, an altercation took place at Bihu Function between the accused person and Bicky Nath. He stated that his friend Bicky Nath sustained injury on his neck during the scuffle due to fall on fencing and he also sustained injury during the scuffle. After that the complainant lodged the ejarah against the accused person. He also stated that at present he has no grievance against the accused person and therefore, they mutually settled the case outside the court. In cross-examination, PW-3 has stated that he has no objection if the accused person is released by the court.

10. PW-4, Sri Kamakhya Borah has stated in his evidence that he knows both parties of this case. He further stated that the incident took place about 4 years back one day at about 03:00 PM and on the day of the incident, an altercation took place at Bihu Function between the accused person and Bicky Nath. He stated that his friend Bicky Nath sustained injury on his neck during the scuffle due to fall on fencing. After that the complainant lodged the ejarah against the accused person. Later on, both the parties mutually settled their dispute. The cross-examination of PW-4 was declined by defence.

11. I have minutely perused the evidences on record including the cross-examinations of the witnesses. 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: 341/324 of I.P.C. Hence, the accused person, namely, Sri Jyoti Koch is not found guilty.

### **ORDER**

Accused person, namely, Sri Jyoti Koch is acquitted from the Charges under section-341/324 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 09<sup>th</sup> 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:**

<b>RANK</b>	<b>NAME</b>	<b>NATURE OF EVIDENCE</b> (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
PW-1	Sri Rashmi Kanta Nath	INFORMANT
PW-2	Sri Bikram Nath	VICTIM
PW-3	Sri Pragyan Borah	VICTIM
PW-4	Sri Kamakhya Borah	OTHER WITNESS

**B. Defence Witnesses, if any:**

<b>RANK</b>	<b>NAME</b>	<b>NATURE OF EVIDENCE</b> (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
NIL	NIL	NIL

**C. Court Witnesses, if any:**

<b>RANK</b>	<b>NAME</b>	<b>NATURE OF EVIDENCE</b> (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
NIL	NIL	NIL

**LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS****A. Prosecution:**

<b>Sr. No.</b>	<b>Exhibit Number</b>	<b>Description</b>
1	Ext-1/PW-1	Ejहार
	Ext-1(1)	Signature of PW-1

**B. Defence:**

<b>Sr. No.</b>	<b>Exhibit Number</b>	<b>Description</b>
NIL	NIL	NIL

**C. Court Exhibits:**

<b>Sr. No.</b>	<b>Exhibit Number</b>	<b>Description</b>
NIL	NIL	NIL

**D. Material Objects:**

<b>Sr. No.</b>	<b>Exhibit Number</b>	<b>Description</b>
NIL	NIL	NIL

Chief Judicial Magistrate,  
Sonitpur: Tezpur