

**APPENDIX -12**

**IN THE COURT OF JUDICIAL MAGISTRATE FIRST CLASS**

**Present:** Smt. Darshana Nath, JMFC, SONITPUR, TEZPUR

**[Date of the Judgment]**

21.09.2022

[ PR Case No.371 of 2019]

(Details of FIR/ Crime and Police Station)

<b>COMPLAINANT :</b>	State of Assam Or Babul Saikia S/o Lt. Dambaru Saikia R/o- Kundarbari, Dekargaon, P.S.- Tezpur. Dist.- Sonitpur, Assam
<b>REPRESENTED BY</b>	Smti Niva Devi, Ld. A.P.P.
<b>ACCUSED</b>	Harpreet Kaur W/o- Dr. Bikram Jeet Singh H.No 1962/2 officer Enclave, PS- Nahan, Dist.- Nahan, (H.P)
<b>REPRESENTED BY</b>	Sanjib Kr. Bhuyan, Ld. Counsel.

**APPENDIX -13**

Date of Offence	19-09-2018
Date of FIR.	19-09-2018
Date of Charge-sheet	30-09-2018
Date of Offence Explained	21-09-2022
Date of commencement of evidence	21-09-2022
Date on which judgment is reserved	-
Date of the Judgment	21-09-2022
Date of the Sentencing Order, if any	-

**ACCUSED DETAILS:**

Rank of the Accused	Name of Accused	Date of Arrest	Date of Release on Bail	Offence charged with	Whether Acquitted or convicted	Sentence Imposed	Period of Detention undergone during Trial for purpose of Section 438, Cr.P.C.
A1	Harpreet Kaur	Nil	Nil	U/S 279/338 IPC	Acquitted	Nil	Nil

**IN THE COURT OF JUDICIAL MAGISTRATE FIRST  
CLASS AT SONITPUR, TEZPUR**

**PRESENT: DARSHANA NATH, AJS, Tezpur,  
Sonitpur**

**PR CASE NO: 371/19**

**U/S 279/338 IPC**

**STATE**

**VS.**

**Harpreet Kaur**

FOR PROSECUTION: Smti. Niva Devi

FOR THE ACCUSED: Sanjib Kr. Bhuyan

EVIDENCE RECORDED ON : 21-09-2022

JUDGEMENT DELIVERED ON: 21-09-2022

**JUDGMENT**

1. The accused person A1 stood trial for offences punishable under Sections 279/338 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 on 19/09/2018 wherein he stated that on that day at 12pm the accused person rode a vehicle bearing regd. No. HP-18A 5421 in a

rash and negligent manner and hit his mother which injured her in her leg.

3. The Ejahar was registered as Tezpur P.S Case no 1935/18 u/s 279/338 IPC. The police after investigation submitted charge sheet against the accused person under section 279/338 IPC.

### **Trial**

4. Cognizance was taken of the charge sheeted offences and process was issued upon which the accused person appeared and copy of the relevant documents was furnished to her in compliance with section 207 of Code of Criminal Procedure (hereinafter referred as CrPC). Particulars of offences are explained to the accused person to which she pleaded not guilty and claimed to be tried.
5. In this case, the prosecution has examined the informant as PW-1 and victim as witness as PW2. PW1 stated that the accused person drove a vehicle in a rash and negligent manner and hit the victim. But now the matter is amicably settled among them.
6. PW-2 stated that she was hit by a vehicle but does not know for whose fault the accident was occurred. But at present, the dispute is settled among them.
7. Considering testimony of the informant and other witness, the prosecution declined to further adduce evidence in this case. Hence, the evidence of prosecution side is closed. Examination of accused person u/s 313 CrPC dispensed with as the prosecution did not adduce any incriminating evidence against him.

8. After hearing the learned Counsel of both sides and after perusal of the case record, I do hereby frame the following points of determination.

### **POINTS FOR DETERMINATION**

- a) **Whether the accused person drove in a rash and negligent manner on public way and thereby committed offence u/s 279 IPC?**
- b) **Whether the accused person caused grievous hurt by driving a vehicle in a rash and negligent manner and thereby committed offence u/s 338 IPC?**

### **PROSECUTION EVIDENCE**

#### **Evidence of the informant**

9. PW1 is the informant. He stated that the the accused person drove a vehicle in a rash and negligent manner and hit the victim. As a result the PW2/victim got injury. But now the matter is amicably settled among them. He does not know for whose fault the accident was occurred. Hence, he does not wish to continue with the case and he has no objection even if the accused person is acquitted.
10. PW2 stated that she was hit by a vehicle driven by the accused and got injured. The accused bore all the expenses of the victim and the dispute has already been settled among them. She has no objection if the accused is acquitted.

11. The defense declined cross examination of PWs.

**DISCUSSIONS, DECISIONS AND REASONS THEREOF**

12. Upon a perusal of the evidence, it is clear that the informant in this case does not wish to proceed with the case, as the case was lodged due to misunderstanding but now the matter has been resolved among the two parties amicably and they have no issue if the accused person is acquitted of the charges brought against her.
13. As such the prosecution has failed prove that the accused person has committed the offences u/s 279/338 IPC beyond reasonable doubt.

**ORDER**

14. In light of the above, it is held that the prosecution has failed to prove the case U/S 279/338 IPC against the accused person A1 beyond all reasonable doubt. Hence, she is hereby **acquitted** and set at liberty forthwith.

However, her bail bond shall remain in force for a period of next 6(six) months as provided by section 437A CrPC.

Given in my hand and under the seal of this court on this the 21<sup>st</sup> day of September 2022.

Typed by Me:

Smti. Darshana Nath  
Judicial Magistrate First Class, 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)
PW1	Babul Saikia	Informant
PW2	Bina Saikia	Other witness(Victim)



**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	Exhibit P1/PW1	FIR
2	Exhibit P1(1)/PW1	Signature of PW1

**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

Smti. Darshana Nath  
Judicial Magistrate First Class, Tezpur