

APPENDIX -12

IN THE COURT OF JUDICIAL MAGISTRATE FIRST CLASS

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

[Date of the Judgment]

22.09.2022

[PR Case No. 817 of 2019]

(Details of FIR/ Crime and Police Station)

COMPLAINANT :	State of Assam Or Ranjit Saikia S/o- Lt. Ratneswar Saikia R/o- Bamparbatia, Bhogi Chuburi, P.S.- Tezpur, Dist.- Sonitpur, Assam.
REPRESENTED BY	Smti Niva Devi, Ld. A.P.P.
ACCUSED	1. Deep Das S/o- Lt . Bhol Nath Das 2. Sada Nanda Saikia S/o- Lt . Kamal Saikia 3. Ranju Saikia S/o- Ratneswar Saikia

	All are R/o- Bamparbatia, Bhogi Chuburi, P.S.- Tezpur, Dist.- Sonitpur, Assam.
REPRESENTED BY	Nilakshya Sarma, Nibedita Lahakar and Nirmal Pd Upadhaya, Ld. Counsels.

APPENDIX -13

Date of Offence	16-12-2018
Date of FIR.	17-12-2018
Date of Charge-sheet	31-12-2018
Date of Offence Explained	08-09-2022
Date of commencement of evidence	08-09-2022
Date on which judgment is reserved	-
Date of the Judgment	22-09-2022
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	Deep Das	Nil	Nil	U/S 109/294 /323/34 IPC	Acquitted	Nil	Nil
A2	Sada Nanda Saikia	Nil	Nil	U/S 109/294 /323/34 IPC	Acquitted	Nil	Nil
A3	Ranju Saikia	Nil	Nil	U/S 109/294 /323/34 IPC	Acquitted	Nil	Nil

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

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

PR CASE NO: 817/19

U/S 109/323/294/34 IPC

STATE

VS.

Deep Das and Others

FOR PROSECUTION: Smti. Niva Devi

FOR THE ACCUSED: Nilakshya Sarma, Nibedita Lahakar
and Nirmal Pd Upadhaya

EVIDENCE RECORDED ON : 08/09/2022

JUDGEMENT DELIVERED ON: 22/09/2022

JUDGMENT

1. The accused persons A1, A2 and A3 stood trial for offences punishable under Sections 109/323/294/34 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 17/12/2018 wherein he stated that on 16/12/18 at around 09.30 pm, the accused persons injured him with an iron stick and verbally abused him.
3. The Ejahar was registered as Tezpur P.S Case no 2544/18 u/s 325/341 IPC. The police after

investigation submitted charge sheet against the accused persons under section 109/323/34 IPC.

Trial

4. Cognizance was taken of the charge sheeted offences and processes were issued upon which the accused persons appeared and copy of the relevant documents were furnished to them in compliance with section 207 of Code of Criminal Procedure (hereinafter referred as CrPC). Particulars of offences are explained to the accused persons to which they pleaded not guilty and claimed to be tried.
5. In this case, the prosecution has examined the informant as PW-1. PW-1 stated that there was a fight between him and the accused persons on that very day. But now the matter is amicably settled among them.
6. Considering testimony of the informant, the prosecution declined to further adduce evidence in this case. Hence, the evidence of prosecution side is closed. Examination of accused persons u/s 313 CrPC was dispensed with as the prosecution did not adduce any incriminating evidence against them.
7. 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 persons abetted each other to commit offence u/s 323/294 IPC and thereby committed offence u/s 109/34 IPC?**
- b) Whether the accused persons in furtherance of common intention**

voluntarily caused hurt to the informant and thereby committed offence u/s 323/34 IPC?

c) Whether the accused persons in furtherance of common intention used obscene words to the informant in public place and thereby committed offence u/s 294/34 IPC?

PROSECUTION EVIDENCE

Evidence of the informant

8. PW1 is the informant. He stated that there was a fight among him and the accused persons on that very day. But now the matter is amicably settled among them. Hence, he does not wish to continue with the case and he has no objection even if the accused persons are acquitted.

9. The defense declined cross examination of PWs.

DISCUSSIONS, DECISIONS AND REASONS THEREOF

10. 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 he has no issue if the accused persons are acquitted of the charges brought against them.

11. As such the prosecution has failed prove that the accused persons have committed the offences u/s 109/323/294/34 IPC beyond reasonable doubt.

ORDER

12. In light of the above, it is held that the prosecution has failed to prove the case U/S 109/323/294/34 IPC against the accused persons **A1**, **A2** and **A3** beyond all reasonable doubt. Hence, they are hereby **acquitted** and set at liberty forthwith.

However, their bail bonds 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 22nd 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:**

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
PW1	Ranjit Saikia	Informant(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	Exhibit P1/PW1	FIR
2	Exhibit P1(1)/PW1	Signature of PW1

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

Smti. Darshana Nath
Judicial Magistrate First Class, Tezpur