

**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. 884 of 2019]

(Details of FIR/ Crime and Police Station)

<b>COMPLAINANT :</b>	State of Assam Or Smti. Bhanu Das W/o- Deep Das R/o- Bamparbatia, Bhugi Suburi, P.S.- Tezpur, Dist.- Sonitpur, Assam.
<b>REPRESENTED BY</b>	Smti Niva Devi, Ld. A.P.P.
<b>ACCUSED</b>	1. Nipu Ranjan Saikia S/o- Lt . Sarbeswar Saikia 2. Akhim Saikia S/o- Lt . Parama Saikia 3. Jiten Saikia S/o- Lt. Man Mohan Saikia

	All are R/o- Bamparbatia, Bhugi Suburi, P.S.- Tezpur, Dist.- Sonitpur, Assam.
<b>REPRESENTED BY</b>	Abhijit Bhuyan, Ld. Counsel.

**APPENDIX -13**

Date of Offence	16-12-2018
Date of FIR.	17-12-2018
Date of Charge-sheet	22-02-2019
Date of Offence Explained	11-10-2019
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	Nipu Ranjan Saikia	Nil	Nil	U/S 325/294 /506/34 IPC	Acquitted	Nil	Nil
A2	Akhim Saikia	Nil	Nil	U/S 325/294 /506/34 IPC	Acquitted	Nil	Nil
A3	Jiten Saikia	Nil	Nil	U/S 325/294 /506/34 IPC	Acquitted	Nil	Nil

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

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

**PR CASE NO: 884/19**

**U/S 325/294/506/34 IPC**

**STATE**

**VS.**

**Nipu Ranjan Saikia and Others**

FOR PROSECUTION: Smti. Niva Devi

FOR THE ACCUSED: Abhijit Bhuyan

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 325/294/506/34 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 she stated that on 16/12/18 at 9 pm, the accused

persons injured the informant and her husband and tried to kill them.

3. The Ejahar was registered as Tezpur P.S Case no 2545/18 u/s 325/324/294/506/34 IPC. The police after investigation submitted charge sheet against the accused persons under section 325/294/506/34 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). Charges are framed and substances 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 and other witness as PW2. PW-1 stated that there was a fight between her husband and the accused persons on that very day. But now the matter is amicably settled among them.
6. PW-2 also stated that there was misunderstanding between him and accused persons. 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 persons u/s 313 CrPC was dispensed with as the prosecution did not adduce any incriminating evidence against them.
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 persons in furtherance of common intention caused grievous hurt to PW2 and thereby committed offence u/s 325/34 IPC?**
- b) 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?**
- c) Whether the accused persons in furtherance of common intention committed criminal intimidation to PW2 and thereby committed offence u/s 506/34 IPC?**

### **PROSECUTION EVIDENCE**

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

- 9. PW1 is the informant. She stated that there was a fight among her husband and the accused persons on that very day. But now the matter is amicably settled among them. Hence, she does not wish to continue with the case and she has no objection even if the accused persons are acquitted.
- 10. PW2 stated that there was misunderstanding between the him and accused persons. But at present, the dispute has already been settled among them.

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 she has no issue if the accused persons are acquitted of the charges brought against them.
13. As such the prosecution has failed prove that the accused persons have committed the offences u/s 325/294/506/34 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 325/294/506/34 IPC 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 22<sup>nd</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	Bhanu Das	Informant
PW2	Deep Das	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>
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Nil	Nil	Nil
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**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