

**APPENDIX -12**

**IN THE COURT OF ASSISTANT SESSIONS JUDGE,  
SONITPUR, TEZPUR.**

Present: Dr. C. Khanikar, AJS  
Assistant Sessions Judge, Sonitpur, Tezpur

**(26<sup>th</sup> December, 2022)**

**(Sessions Case No 188 / 2022)**

(FIR NO.1009/2016 DATED 16-06-2016 / ATTEMPT TO MURDER CASE /AND  
TEZPUR POLICE STATION)

<b>COMPLAINANT :</b>	SRI BIPUL BARUAH
<b>REPRESENTED BY</b>	SMT. NIVA RAHMAN, ADVOCATE ADDITIONAL PUBLIC PROSECUTOR
<b>ACCUSED</b>	SRI DIPANKAR BARUAH S/O SRI BIPUL BARUAH VILL- GHORAMARI P.S.- TEZPUR DIST- SONITPUR, ASSAM
<b>REPRESENTED BY</b>	SRI. R. BARUAH, LEGAL AID COUNSEL

**APPENDIX -13**

Date of Offence	14-06-2016
Date of FIR.	16-06-2016
Date of Charge-sheet	28-06-2016
Date of Framing of Charges	17-12-2022
Date of commencement of evidence	22-12-2022
Date on which judgment is reserved	26-12-2022
Date of the Judgment	26-12-2022
Date of the Sentencing Order, if any	None

**ACCUSED DETAILS:**

Rank of the Accused	Name of Accused	Date of Arrest	Date of Release on Bail	Offences charged with	Whether Acquitted or convicted	Sentence Imposed	Period of Detention undergone during Trial for purpose of Section 428, Cr.P.C.
1	Sri Dipankar Baruah	07-11-2022	NIL	294/323 /307 IPC	Acquitted	none	N/A

**IN THE COURT OF ASSISTANT SESSIONS JUDGE, SONITPUR,  
TEZPUR**

**SESSIONSCASE No. 188 of 2022**

**G.R. Case No.1878 of 2016**

U/S.294/323/307 of IPC

State of Assam .....Prosecutor

- *Versus*-

Sri Dipankar Baruah .....Accused

Present: Dr. Chetana Khanikar, AJS

For the prosecution : Smt. N. Rahman, Addl. P. P.

For the defence : Sri R. Baruah, Legal Aid Counsel

Evidence recorded on: 22-12-2022

Argument heard on : 26-12-2022

Judgment delivered on: 26-12-2022

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

1. The prosecution case in brief as stated in the FIR is that on 14-06-2016 at about 8.30 PM, while the informant was having dinner with his family, his son Dipankar Baruah entered the house in drunken stage and abused the informant and his family members with obscene words and caused severe injury to his wife Smti. Bulu Baruah on her face, by assaulting her with iron rod and brick with intent to kill her.

2. On the basis of aforesaid FIR, police registered a case as Tezpur PS Case No. 1009/2016. Police investigated the case and on completion of investigation submitted

charge-sheet against the accused person Sri Dipankar Baruah U/S 294/323/307 of IPC.

3. On appearance of the accused person Sri Dipankar Baruah, copies of relevant documents were furnished to him as required U/S 207 of Cr. P. C. and the case was committed to the Court of Hon'ble Sessions Judge, Sonitpur as the case was exclusively triable by the Hon'ble court of Sessions. Thereafter, the case has been transferred to this court. Considering the relevant documents and hearing both the parties and having found sufficient material to presume that the accused had committed offence U/S 294/323/307 of IPC charge under those sections was framed against him. The accused pleaded not guilty and claimed to be tried when the charge was read over and explained to him.

4. During trial the prosecution side has examined one witness.

5. At the close of the prosecution evidence, examination of the accused U/S. 313 of the Cr.P.C. has been dispensed with as no incriminating circumstances appearing against him in the prosecution evidences. Defence side has not adduced any witness and plea of the accused is of total denial.

6. After perusing the records, considering the materials produced, hearing the arguments of the learned counsels for both the sides and the accused the following point is taken as POINT FOR DETERMINATION:

(i) Whether the accused on 14-06-2016 at about 8.30 PM, abused the family members of the informant with obscene words at public place?

(ii) Whether on the same day and time at the house of the informant, voluntarily caused hurt to Smti. Bulu Baruah?

(iii) Whether the accused on the same day, time and place, did an act of causing hurt to the Smti. Bulu Baruah with an intention and knowledge to kill her and under such circumstances, that if by that act you had caused the death of Smti. Bulu Baruah, you would have been guilty of murder and thereby committed an offence punishable under section **307** of Indian Penal Code, and within my cognizance?

DISCUSSION, DECISION AND REASONS THEREOF:

Point (i), (ii) and (iii):

7. For convenience of discussion and to avoid unnecessary repetition, points No.(i), (ii) and (iii) are taken together for discussion.

8. From the materials on the record it is found that the place of occurrence is the house of the informant. As such, it is not a public place. Therefore, no offence under section 294 of Cr.P.C has committed.

9. In Ext.P1/PW.1, the FIR, it is written that on 14-06-2016 at about 8.30 PM, while the informant was having dinner with his family, his son Dipankar Baruah entered the house in drunken stage and abused the informant and his family members with obscene words and caused severe injury to his wife Smti. Bulu Baruah on her face, by assaulting her with iron rod and brick with intent to kill her. In this case PW.1 is the victim Smti. Bulu Baruah. She deposed that, there was an altercation between the victim and the accused for which this case was filed against the accused. At that time neighbours gathered at their house and in that over crowded room the victim fell down and sustained injury. During cross-examination she deposed that she does not want to proceed with the case. She has no allegation against the accused. She has no objection if the accused get acquittal in the trial. Except this no evidence is found against the accused which can incriminate the accused. The informant of this case Bipul Baruah has already expired. The prosecution side has declined to adduce any more evidence as nothing was found against the accused in the evidence of the victim, who is the principal witness of the case. Thus, from the evidence available, it appears that the prosecution side has failed to prove that the accused on 14-06-2016 at about 8.30 PM, abused the family members of the informant with obscene words at public place or voluntarily caused hurt to Smti. Bulu Baruah or did an act of causing hurt to the Smti. Bulu

Baruah with an intention and knowledge to kill her and under such circumstances, that if by that act you had caused the death of Smti. Bulu Baruah, you would have been guilty of murder and thereby committed an offence punishable under section **307** of Indian Penal Code, and within my cognizance.

Hence point Nos. (i), (ii) and (iii) are decided **negative.**

10. From the above discussions I come to the conclusion that prosecution has failed to establish the allegations against the accused Sri Dipankar Baruah. Hence the accused Sri Dipankar Baruah is acquitted from the case.

Given under my hand and the seal of this Court on this 26<sup>th</sup> day of December, 2022.

**(Dr. C. Khanikar)**  
Asstt. Sessions Judge,  
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	Smti. Bulu Baruah	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>
NIL	NIL	NIL

**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

**(Dr. C. Khanikar)**  
Asstt. Sessions Judge  
Sonitpur, Tezpur