

IN THE COURT OF JUDICIAL MAGISTRATE FIRST CLASS

North Lakhimpur, Lakhimpur

PRESENT: Ms. Sparsita Garg, M.A, LL.M, AJS

Judicial Magistrate First Class,

Lakhimpur, North Lakhimpur

G.R. Case No.679/2015

State

Versus

Gupta Sonowal and another

(Under sections 379/294/323/506/34 IPC)

Charge framed on : 01.11.2018
Evidence recorded on : 18.12.2019
Statements recorded on : Dispensed with
Arguments heard on : 24.03.2021
Judgment delivered on : 24.03.2021
Advocate for the Prosecution : Mr. Jangki Doley
Advocate for the accused persons : Miss Madhumita Ghosh

J U D G E M E N T

1. Accused persons stood for trial for commission of offence u/s 379/294/323/506/34 IPC.

2. The prosecution case is initiated on the basis of written ejahar dated 09.04.2015 stating *inter alia* that on 08.04.2015 at about 9:40 p.m., two tractors (whose registration number is

not known) were found carrying woods illegally. The informant reported the matter to one Konkonmoni Saikia and thereafter the accused persons uttered abusive languages to the informant and assaulted him causing serious injuries. When Konkonmoni Saikia came to rescue the informant, he was assaulted by the accused persons. The informant and Konkonmoni Saikia somehow fled away from the place of occurrence, but the accused persons threatened to kill them. The informant further stated that both the accused persons carries business by selling woods illegally. Hence, this case.

3. On receipt of the ejahar, the Officer-in-Charge of Bihpuria Police Station registered the case as Bihpuria P.S. case no. 125/2015 u/s 294/325/379/411/506/34 IPC. Thereafter Investigating Officer launched investigation of the case and submitted chargesheet u/s 294/352/506/34 of the Indian Penal Code against the accused persons namely Gupta Sonowal and Jayanta Hazarika.

4. Thereafter, cognizance has been taken and summon have been issued to the accused persons. On appearance of accused persons, necessary documents required u/s 207 Cr.P.C have been furnished to them. On perusal of the materials on record formal charges u/s 379/294/323/506/34 IPC is read over and explained to the accused persons to which they pleaded not guilty and claimed to be tried.

5. Prosecution in support of its case has examined only two (2) witnesses.

6. Examination of accused persons u/s 313 Cr.P.C. is dispensed with since no incriminating materials are found against them. accused persons denied adducing evidence in defence.

7. I have heard the arguments advanced by the learned counsel for the accused persons and Ld. A.P.P. Perused the materials available in the case record. Upon hearing both the parties and on perusal of the record, following points for

determination are formulated for proper adjudication of this case.

POINTS FOR DETERMINATION:

Point No 1: Whether the accused persons in furtherance of common intention on 08.04.2015 at about 9:40 p.m., carried woods illegally suspected to be stolen in two different tractors and thereby committed an offence punishable u/s 379/34 of IPC?

Point No 2: Whether the accused persons in furtherance of common intention on the same date and time uttered abusive languages to the informant in a public place and thereby committed an offence punishable u/s 294/34 of IPC?

Point No 3: Whether the accused persons in furtherance of common intention on the same date and time voluntarily caused hurt to the informant and Konkonmoni Saikia and thereby committed an offence punishable u/s 323/34 of IPC?

Point No 4: Whether the accused persons in furtherance of common intention on the same date and time criminally intimidated the informant by threatening to kill him with an intent to cause alarm and thereby committed an offence punishable u/s 506/34 of IPC?

DISCUSSIONS, DECISIONS AND REASONS THEREOF:

8. Now let me try to decide the above points by appreciating the evidence available in the case record. I have carefully considered the evidence available in the instant case. From the evidence of **P.W-1/informant Jiten Borah**, it reveals that the informant is no more interested to proceed with the case against the accused persons on the ground that the matter is amicably settled between them. It also reveals that the informant himself has refused to lead evidence against the

accused persons in support of the ejahar lodged in this case by him. **P.W-2 Konkonmoni Saikia** corroborated the evidence of P.W-1 and stated that out of misunderstanding the informant lodged this case against the accused persons. Thus, from the little evidence that has been brought before this court in the form of statement made by the informant/P.W-1 and P.W-2, it is seen that no offence has been made out against the accused persons under any section of law. Situated thus, it is found that the informant has failed to implicate the accused persons of any offence.

ORDER

9. In view of the above discussions, I am of the considered opinion that, prosecution has failed to establish the case against accused persons namely Gupta Sonowal and Jayanta Hazarika. Accordingly, accused persons are acquitted of the charge u/s 379/294/323/506/34 IPC levelled against them in this instant case.

10. Set the accused persons at liberty forthwith.

11. The bail bonds for the accused persons are extended for a further period of six (6) months.

12. The case is disposed of on contest accordingly.

Given under my hand and seal on this 24th day of March, 2021
at North Lakhimpur, Lakhimpur.

(Ms. Sparsita Garg)
Judicial Magistrate First Class
Lakhimpur, North Lakhimpur

APPENDIX

A. WITNESS OF PROSECUTION:

1. P.W-1 : Jiten Borah
2. P.W-2 : Konkonmoni Saikia

B. EXHIBITS OF PROSECUTION:

1. Exhibit 1 : Ejahar
2. Exhibit 1(1): Signature of the informant

C. WITNESS OF DEFENCE: NIL

D. EXHIBITS OF DEFENCE: NIL

(Ms. Sparsita Garg)
Judicial Magistrate First Class
Lakhimpur, North Lakhimpur