

**IN THE COURT OF SUB DIVISIONAL JUDICIAL MAGISTRATE  
(SADAR), NORTH LAKHIMPUR, LAKHIMPUR**

**GR CASE NO: 2375 of 2017**

**U/S- 384/323/34 of IPC**

**State**

**-Versus-**

- 1. Sri Sohanlal Sahu**
- 2. Sri Babul Mahatu**
- 3. Sri Prasanta Hazarika**

**.....Accused Persons.**

**PRESENT : Smt. Sorba ni Bhattacharjee , AJS  
Sub Divisional Judicial Magistrate (Sadar)  
Lakhimpur, North Lakhimpur.**

**ADVOCATES APPEARED-**

**FOR THE PROSECUTION : Sri Khirod Kr. Kakoti.**

**FOR THE ACCUSED : Sri Suren Borah**

**EVIDENCE RECORDED ON: 27.02.2019, 06.06.2019,**

**ARGUMENT HEARD ON : 17.06.2019**

**JUDGMENT DELIVERED ON: 17.06.2019**

**JUDGMENT**

1. Prosecution story in brief as revealed from the ejahar filed by the informant is that on 10.08.2017 at about 5:00 PM, the accused person Bhaiti Sahu and driver of Lakhi-Pakhi bus suddenly

stopped the Lakhi-Pakhi bus at Khelmati and started to board passenger in the bus. Then the truck driver i.e. the informant who was driving his truck bearing registration No.AS-01-FC/0959 hit the said passenger from backside. However, no one sustained injury in the incident. The owner and driver of the passenger bus came out of the bus and forcefully took him inside the bus. Thereafter, they took the informant to the house of the owner of the bus at Narayanpur. Thereafter, the accused persons forcefully snatched the key of the truck, vehicular documents and battery and also demanded Rs.25,000/- from him. They also assaulted him.

2. The Officer-in-charge, Narayanpur Police Station, on receipt of Ejahar registered Narayanpur P.S. Case No. 117/2017, U/S 384/323/34 of IPC and started investigation. After completion of the investigation, the concerned I.O. submitted charge sheet against the accused persons U/S 384/323/34 of IPC.

3. In due course, the accused persons appeared before the Court and the copies of relevant documents were furnished to them as per section 207 of CrPC. Having found a prima facie case against the accused persons, the charge U/S 384/323/34 of IPC were framed which were read over and explained to them to which they pleaded not guilty and claimed to be tried.

4. The prosecution, in support of its case, examined 4 (four) witnesses. As per the submission of learned Assistant Public Prosecutor further evidence of prosecution side is closed. As there is no incriminating evidence against the accused persons hence recording of their statement U/S 313 of the Code of Criminal Procedure is dispensed with. Defence side examined no witnesses. I have heard the arguments advanced by the learned counsels for both sides.

**5.POINTS FOR DETERMINATION:-**

(i) *Whether the accused persons, in furtherance of their common intention, on 10.08.2017 at about 5:00 PM, at Narayanpur under the jurisdiction of Narayanpur P.S., intentionally put the informant Pratap Medhi in fear of injury and thereby dishonestly induced him to deliver the key, documents and battery of the truck bearing Registration No. AS-01-FC-0959 and Rs. 25,000/- to him and thereby committed an offence punishable U/S 384/34 of Indian Penal Code ?*

(ii) *Whether the accused persons, in furtherance of their common intention, on the same day, time and place, voluntarily caused hurt to the informant Pratap Medhi and thereby committed an offence punishable U/S 323/34 of Indian Penal Code ?*

**DISCUSSION, DECISION AND REASONS THEREOF:**

6. PW-1 Smti Binita Sahu in her evidence deposed that informant is not known to her. She knows the accused persons. Accused Sohanlal Sahu is her husband and other accused persons are drivers. She does not know anything about the incident. Defence declined to cross-examine her.

7. PW-2 Sri Pratap Medhi in his evidence deposed that he knows accused Sohanlal Sahu. He does not know the other 2 accused persons. He is the informant of this case. He is a driver of a truck. About 2 years back one day due to his misunderstanding he lodged this case. On the day of incident an altercation took place between he and the accused persons at Khelmati. The bus in which accused persons were working hit his truck due to darkness and then the incident occurred.

In cross-examination he deposed that he has not written the ejahar. He does not know the contents of the ejahar. He lodged this

case as per the instruction of his truck owner. He has no grievance against him.

8. PW-3 Sri Jiban Dutta in his evidence deposed that he does not know the informant. He knows the accused persons. He does not know anything about the incident. Defence declined to cross-examine him.

9. PW-4 Sri Ramen Goswami in his evidence deposed that he knows the informant. He does not know the accused persons. He does not know anything about the incident. Defence declined to cross-examine him.

10. In this case prosecution examined altogether four witnesses. PW-1 Smti Binita Sahu who is the wife of the accused expressed her ignorance about the whole incident. PW-1 Pratap Medhi in his evidence inter-alia stated that on the day of incident due to misunderstanding he lodged the case. On that day only an altercation took place between him and the accused persons at Khelmati. The bus in which the accused persons were working hit his truck due to darkness and then the incident occurred. His cross-examination reveals that he does not know the contents of the ejahar and as per the instruction of his truck owner he lodged this case. PW-3 Jiban Dutta and PW-4 Ramen Goswami expressed their ignorance about the incident.

11. From the testimonies of the PWs, it is apparent that none of them have incriminated the accused persons of committing any offence. The case was lodged by the informant out of misunderstanding. Situated thus, I am of the opinion that the ingredients of the offences u/s 384/323/34 of IPC have not been proved against the accused persons beyond all reasonable doubt by the prosecution and hence the accused persons are hold not guilty for the alleged offences.

**ORDER**

12. Accordingly, the accused persons namely, Sri Sohanlal Sahu, Sri Babul Mahatu, Sri Prasanta Hazarika are acquitted of the offences U/S 384/323/34 of IPC and they are set at liberty forthwith. The bail bonds of the accused persons and their sureties shall remain in force for a period of 6 months from today as per amended CrPC.

**Given under my hand and seal of this court on this 17<sup>th</sup> day of June, 2019.**

**Smti Sorbani Bhattacharjee, AJS  
Sub Divisional Judicial Magistrate (S)  
Lakhimpur, North Lakhimpur**

**GR 2375 of 2017**

**APPENDIX**

***PROSECUTION EXHIBITS:***

NIL

***DEFENCE EXHIBITS***

NIL

***PROSECUTION WITNESSES :***

1. PW-1 Smti Binita Sahu
2. PW-2 Sri Pratap Medhi
3. PW-3 Sri Jiban Dutta
4. PW-4 Sri Ramen Goswami

***DEFENCE WITNESSES***

NONE

***MATERIAL EXHIBITS***

NIL

**Smt. Sorbani Bhattacharjee, AJS  
Sub Divisional Judicial Magistrate (S)  
Lakhimpur, North Lakhimpur**