

IN THE COURT OF THE ADDITIONAL CHIEF JUDICIAL MAGISTRATE
BONGAIGAON



G.R. CASE NO.632/10.

U/S.341/324/323/354/34

STATE

-VS-

- (1) Smti.Usha Das,
 - (2) Sri Biki Das and
 - (3) Sri Shiv Charan Das
-Accused.

Present : Mrs.M.De,

Addl.C.J.M.Bongaigon.

Counsel for the Prosecution : Sri S.Kr.Nath.

.....A.P.P.

Counsel for the defence : Sri Hareswar Das

.....Advocate.

Date of recording evidence :11.12.13 & 30.12.13


Date of argument :24.02.14.

Date of judgment :07.02.14.

J U D G M E N T

- 1) The Prosecution Case in brief is that Smti.Suma Dey lodged an ejahar stating inter-alia that on 25.09.10 at about 9.00 A.M. a verbal quarrel ensued between the accused and her sister-in-laws relating to clearing of utensil in the middle of the road and when she objected then the accused persons beat her up and also assaulted her. Hence, this case.

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ADDL. C.J.M.
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(2)

2) Police registered a case and started investigation . On completion of investigation ,Police submitted charge-sheet against the accused and sent the accused to the Court to face trial . Thereafter, the accused persons appeared before the Court to face trial. On their appearance, necessary copies were furnished to the accused and charges U/Ss.341/~~324~~³²⁴/323/354/34 IPC were read over and explained to the accused pleaded not guilty and claimed to be tried. Prosecution examined as many as 3(three)Pws. S/D U/S.313 Cr. P.C. has been recorded. Argument of both sides heard.

3) POINTS FOR DETERMINATION :

(1) Whether the accused committed the U/S.341/324/323/354/34 IPC alleged ?

4) DECISION AND REASONS FOR DECISION :

Prosecution examined as many as 3(three)Pws .Wherein each of the Pws have stated that they have not seen the incident themselves but only heard the same.


5) It may be mentioned herein that several summons were issued to the complainant and the other PWs but the same has been repeatedly returned with report that the Pws ~~had~~^{does} not reside in the place any more and hence, summons could not be served upon them. Moreover, no new address of the complainant was found in the report.


6) Considering that none of the Pws have seen the occurrence but only heard the same. Hence, section alleged said cannot be attracted against the accused. Hence, the accused persons are acquitted and set at liberty forthwith

7) Bail bond of the accused is extended to 6(Six) months.

8) Given under my hand and seal of the Court on 7th day of February,2014.

Corrected by me


(Mrs.M.De)
Additional
Chief Judicial Magistrate,
Bongaigaon.
ADDL. C.J.M.
Bongaigaon


(Mrs.M.De)
Additional
Chief Judicial Magistrate,
Bongaigaon.
ADDL. C.J.M.
Bongaigaon