

IN THE COURT OF THE CHIEF JUDICIAL MAGISTRATE,::::::BONGAIGAON

GR. NO- 1145/2015

U/S- 341/294/506/34 IPC.

STATE

-VS.-

1. Sri Roushan Sony
2. Smt. Punam SonyAccused persons

Present:-

Sri B. Sutradhar, A.J.S.

Chief Judicial Magistrate,

Bongaigaon

Appeared:-

For the State: Smt. R. Choudhury Ld. Addl. P.P.

For the accused: Mr. M. Jain Ld. Advocate.

Date of evidence: 25-4-17

Date of argument: 25-4-17

Date of judgment: 26-4-17

J U D G M E N T

1. The brief case of the prosecution is that on 25-11-15 the informant Sri Ankit Kumar Gupta lodged an ejahar before the O/C, Bongaigaon, P.S., alleging that on 24-11-15 at 4.00 P.M. he was playing cricket at Bhakaribhita Hindi School and then the accused person demanded Rs. 500/- which he ought to get from his father and while he refused the accused person assaulted him. The another accused person also came to the spot and assaulted him causing grievous injuries.

Hence the case.

2. On receipt of the ejahar O/C, Bongaigaon, P.S., registered a case vide No 957/15 and the matter was duly investigated into.

3. On completion of the investigation I/O submitted charge-sheet against the accused persons u/s 341/294/506/34 IPC. In due course, the accused persons appeared before the court and they were allowed to go on bail. Copies were furnished and the particulars of the offences u/s 341/294/506/34 IPC were read over and explained to the accused persons and to which they pleaded not guilty and claimed to be tried. During the course of evidence, the prosecution side examined as many as two witnesses and declined to adduce any other evidence. Accordingly, the evidence was closed. The examination of the accused persons U/S 313 Cr.P.C. was dispensed with as found not necessary. Heard the arguments of both sides.

The point for determination is:

4. Whether the accused persons wrongfully restrained, abused with obscene language and threatened with dire consequences with common intention to the informant as alleged in the ejahar?

Decision and reasons thereof:

5. The prosecution side examined Sri. Ankit Kr. Gupta as P.W.1, Sri Lakshi Prasad Gupta as P.W.2.

6. The P.W.1 in his evidence deposed that on 24-11-15 at 4.00 P.M. the accused persons raised quarrel with him relating to sports and also pushed and elbowed him.

7. The P.W.2 in his evidence deposed that about 1½ years back at 4.00 P.M. the accused person raised quarrel with his son relating to sports.

In cross-examination both witnesses deposed that accused persons are their neighbour and the case was lodged due to misunderstanding. The matter has been amicably settled up between them and they are not interested to proceed with the case by adducing any further evidence and they have no objection if the accused persons are acquitted.

8. Now, on going through the above evidence on record, it appears that the vital witnesses of the case have not supported the case rather they stated that the matter has been amicably settled up between them. In view of above, I find no evidence to hold the accused persons guilty for the offences as charged.

9. Accordingly, I am of the opinion that the prosecution side has failed to prove the case. In result the accused persons are acquitted from the charges U/S 341/294/506/34 IPC and set them at liberty. The bail bond shall remain in force till next six months.

10. The case is disposed of on contest.

Given under my hand and seal of this court on this **26th day of April, 2017**

Chief Judicial Magistrate
Bongaigaon.