

Hence the case.

2. On receipt of the ejahar O/C Bongaigaon P.S. registered a case vide No 12/15 and the matter was duly investigated into.

3. On completion of the investigation I/O submitted final report u/s 323 I.P.C against the accused person. Accordingly, cognizance was taken. In due course the accused person appeared before the court and she was allowed to go on bail. Copies were furnished and the particulars of the offence u/s 323 I.P.C. were read over and explained to the accused person and to which she pleaded not guilty and claimed to be tried. During the course of evidence, the prosecution side examined one witness and declined to adduce any other evidence. Accordingly, the evidence was closed. The examination of the accused person 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 person voluntarily caused hurt to the informant as alleged in the ejahar?

Decision and reasons thereof:

5. The P.W.1 Miss. Khaleda Jiya who in her evidence deposed that in the year 2013, she got married with Nazmul Hoque and after marriage she started her conjugal life in her husband's house. After the marriage, the accused person raised quarrel with her regarding domestic matter and also pushed and elbowed her.

In cross-examination she deposed that accused is her mother-in-law and the matter was immediately settled up between them after the occurrence. She is not interested to proceed with the case by adducing any further evidence and she has no objection if the accused person is acquitted.

6. Now, on going through the above evidence on record, it appears that the vital witness of the case has not supported the case rather she stated that the matter has been amicably settled up between them. In view of above, I find no evidence to hold the accused person guilty for the offence as charged.

7. Accordingly, I am of the opinion that the prosecution side has failed to prove the case. In result the accused person is acquitted from the charge U/S 323 I.P.C and set her at liberty. The bail bond shall remain in force till next six months.
8. The case is disposed of on contest.

Given under my hand and seal of this court on this **19th day of April, 2017**

Chief Judicial Magistrate
Bongaigaon.