

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

**GR. NO- 20/2010**

**U/S- 323/34 IPC.**

STATE

-VS.-

1. Sri Mohan Singha
2. Sri Alok Kanti Paul Chaudhury .....Accused

**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. P. Sarma and Mr. H. Das Ld. Advocates.

Date of evidence: 25-1-17 & 20-4-17

Date of argument: 20-4-17

Date of judgment: 21-4-17

**J U D G M E N T**

1. The brief case of the prosecution is that on 13-1-10 the informant Sri Nayan Moni Das lodged an ejahar before the O/C Bongaigaon PS alleging that he was working under contractor Hiranya Medhi since 1½ years at Bongaigoan Polytechnic for repairing of the house. On 11-1-10 at 8.30 P.M. accused Sri Mohan Singha along with another youth entered into their house and demanded money. While he refused to pay the money, the accused person along with the youth person assaulted him and Lachit Bayan causing injuries.

Hence the case.

2. On receipt of the ejahar O/C Bongaigaon P.S. registered a case vide No 11/10 and the matter was duly investigated into.

**Contd....P/2**

3. On completion of the investigation I/O submitted final report u/s 323/34 I.P.C. against the accused persons. Accordingly, cognizance was taken. In due course the accused persons appeared before the court and they were allowed to go on bail. Copies were furnished and particulars of the offences u/s 323/34 I.P.C. 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 three 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. were 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 with common intention as alleged in the ejahar?

**Decision and reasons thereof:**

5. The prosecution side examined Sri Nirmal Kumar Singha as P.W.1, Nayan Moni Das as P.W.2 and Sri Lachit Bayan as P.W.3.

6. The P.W.1 deposed that he did not know anything about the case.

7. The P.W.2 deposed that on 11-1-10 at 8.30 P.M. he was working under contractor at Bongaigoan Polytechnic and then accused Mohan Singha raised altercation with him with a say that he had to get money from his contractor.

8. P.W.3 deposed that on 11-1-10 at 7 P.M. the occurrence took place. He was working under contractor at Polytechnic Bongaigaon. Accused Mohan Singha raised altercation and pushed and elbowed them.

In cross-examination both the witnesses deposed that the matter was immediately settled up between them amicably soon after the occurrence. 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.

9. 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.

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10. 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 323/34 I.P.C and set them at liberty. The bail bonds shall remain in force till next six months.

11. The case is disposed of on contest.

Given under my hand and seal of this court on this **21<sup>st</sup> day of April, 2017.**

Chief Judicial Magistrate  
Bongaigaon.