

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

GR. NO- 97/2015

U/S- 341/324 IPC.

STATE

-VS.-

Sri Rupam RoyAccused

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. K. Das Ld. Advocate.

Date of evidence: 3-4-17

Date of argument: 3-4-17

Date of judgment: 4-4-17

J U D G M E N T

1. The brief case of the prosecution is that on 2-2-15 the informant Sri Bapan Das lodged an ejahar before the O/C Bongaigaon PS through I/C North Bongaigaon P.P. alleging that on 1-2-15 at 11 P.M. while he was standing at Bhowlaguri Chawk and suddenly the accused person attack him with dangerous weapon causing injuries on his face and head with intent to kill him. The accused snatched away his golden chain.

Hence the case.

2. On receipt of the ejahar O/C Bongaigaon P.S. registered a case vide No 65/15 and the matter was duly investigated into.

3. On completion of the investigation I/O submitted charge-sheet against the accused person. In due course the accused person appeared before the court and he

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was allowed to go on bail. Copies were furnished and charge u/s 341/324 I.P.C. were framed. The particulars of the charges were read over and explained to the accused person and to which he pleaded not guilty and claimed to be tried. During the course of evidence, the prosecution side examined two witnesses 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 wrongfully restrained the informant and voluntarily caused hurt with dangerous weapon as alleged in the ejahar?

Decision and reasons thereof:

5. The prosecution side examined Bapan Das as P.W.1 and Abusama Ali as P.W.2.

6. The P.W.1 deposed that in the year 2013, on a day at 9/9.30 P.M. the occurrence took place. He was standing at Bhowlaguri Chawk and then accused person raised a quarrel with him in connection with a earlier incident and also pushed and elbowed him. He sustained simple injury.

In cross-examination he deposed that the matter was immediately settled up between them after the occurrence. The case was lodged due to misunderstanding. He is not interested to proceed with the case by adducing any further evidence and he has no objection if the accused person is acquitted.

7. The P.W.2 deposed that about two years back in the night hour when he was going home closing his shop and then the informant told him that the accused person raised quarrel with him regarding collection of Saraswati Puja donation (chanda).

In cross-examination he deposed that the matter was amicably settled up by the villagers.

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 person guilty for the offence as charged.

9. 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 charges U/S 341/324 I.P.C and set him 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 **4th day of April, 2017.**

Chief Judicial Magistrate

Bongaigaon.