

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

GR CASE No. 340/2013.

U/S.324 IPC.

State of Assam

-Vs-

Sri Bipul Boro.

@ Bipul Ch. Boro.

Present: **Smt. N. Talukdar, AJS**
Chief Judicial Magistrate,
Bongaigaon.

Advocates appeared:

For the Prosecution: **Mr. T. Bhowmik, Assistant PP.**

For the Defence: **Mr. Prakash Kr. Das.**

Argument heard on: **19.06.2014.**

Judgment pronounced & delivered on: **19.06.2014.**

J U D G M E N T

1. The prosecution case in brief is that, on 06.05.2013 at about 7:15 PM, while the informant Biswajit Das was proceeding towards Central Colony, New Bongaigaon, at Railway Central Colony, New Bongaigaon, the accused obstructed him and inflicted several blows with dao upon the person of the informant and caused injuries on his right hand little finger and left leg toe. Hence, the informant lodged the FIR before the police. On the basis of the FIR, Bongaigaon PS Case No.218/2013 U/Ss.341/324/294 IPC was registered and after completion of investigation police submitted charge-sheet U/S.324 IPC against the accused person. Hence, the instant case has come up.

Contd....P/2.

2. On completion of appearance of the accused person, copy was furnished to him. Having very carefully gone through the submission of both sides as well as case diary my Learned predecessor in Court found prima-facie materials U/S.324 IPC and accordingly framed charge against the accused person. Ingredient of charge U/S.324 IPC were read over and explained to the accused person to which he pleaded not guilty and claimed to be tried.

3. During trial the prosecution has examined only 1(one) prosecution witness. The examination of the accused person U/S. 313 CrPC has been dispensed with as there is no incriminating evidence against the accused person. The defence has examined none.

4. : **POINTS FOR DETERMINATION :**

(a) Whether on 06.05.2013 the accused person voluntarily caused hurt to the informant by means of dao which is an instrument for stabbing and thereby committed the offence punishable U/S.324 IPC ?

: **DECISION AND REASONS THEREOF :**

5. The prosecution to prove the case has examined one witness. PW1 is the informant-cum-injured Sri Biswajit Das. In his evidence, PW1 has deposed that about one year back at about 7:00/7:30 PM he had an altercation with the accused person and during altercation he fell down and sustained cut injury on his hand. Then, due to misunderstanding he lodged the FIR. Ext-1 is the FIR and Ext-1(1) is the signature of PW1.

In cross-examination, PW1 had deposed that due to misunderstanding he lodged the FIR. He has been living peacefully

with the accused person. He has no objection on acquittal of the accused person.

Contd....P/

3.

6. I have carefully gone through the evidence on record and heard Ld. Counsels for both parties. From perusal of the evidence on record, it is found that PW1, who is the informant and material witness of the case, has not adduced any incriminating evidence against the accused person. From his evidence, I found no ingredient of offence U/S.324 IPC or any other offence against the accused person. It appears from the evidence of PW1 that due to misunderstanding the FIR was lodged. Hence, it appears that prosecution has failed to prove the case against the accused person.

7. In the result, the accused Bipul Boro @ Bipul Ch. Boro is found not guilty U/S.324 IPC and hereby acquitted from the charge under said section and set him at liberty forthwith. The bail bond of the accused stands cancelled and the bailor is discharged from the bail bond liabilities. Accordingly, the case is disposed of on contest.

8. The Judgment is given under my hand and seal of this Court on this **19th day of June, 2014.**

Sd/-
(Smt. N. Talukdar)
**Chief Judicial Magistrate,
BONGAIGAON.**

Dictated and Corrected by me.....

Sd/-
(Smt. N. Talukdar)
Chief Judicial Magistrate,
BONGAIGAON.
