

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

**GR CASE No. 918/2013.**

U/Ss.358/325 IPC.

**State of Assam**

-Vs-

**Sri K. Santosh Rao.**

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

**Advocates appeared:**

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

For the Defence: **Smt. Rubi Saha.**

Argument heard on: **04.07.2014.**

Judgment pronounced & delivered on: **04.07.2014.**

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

1. The prosecution case in brief is that, on 04.12.2013 at about 7:00 PM, the accused K. Santosh Rao came to the shop of the informant Sita Sharma and assaulted her on her face with sharp weapon. Hence, the informant lodged the FIR before the New Bongaigaon PP and the same was forwarded to the Bongaigaon PS for registering a case. On the basis of the FIR, Bongaigaon PS Case No.612/2013 U/Ss.448/324 IPC was registered and after completion of investigation police submitted charge-sheet U/Ss.358/325 IPC against the accused person. Hence, the instant case has come up.
2. On completion of appearance of the accused person, copy was furnished to him and hearing the submission of both sides as well

2.

as going through the case diary, prima-facie materials U/Ss.358/325 IPC having been found charges were framed U/Ss.358/325 IPC against the accused person. Ingredients of charges U/Ss.358/325 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 04.12.2013 at about 7:00 PM at Hospital Colony, New Bongaigaon the accused person assaulted the informant Sita Sharma under grave and sudden provocation given by the informant and thereby committed the offence punishable U/S.358 IPC ?**

(b) **Whether on 04.12.2013 at about 7:00 PM at Hospital Colony, New Bongaigaon the accused person voluntarily caused grievous hurt to the informant Sita Sharma and thereby committed the offence punishable U/S.325 IPC ?**

: **DECISION AND REASONS THEREOF** :

5. The prosecution to prove the case has examined one witness. PW1 is the informant Smt. Sita Sharma. In her evidence, PW1 had deposed that on the date of occurrence at about 5:00 PM the accused came to the shop of PW1 in a drunken state. While PW1 was talking with the accused person she fell down and sustained injury on her cheek. Then, on misunderstanding PW1

lodged the FIR. Ext-1 is the FIR and Ext-1(1) is the signature of PW1.

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3.

In cross-examination, PW1 had deposed that she has been maintaining a peaceful relationship with the accused person and she has no objection on acquittal of the accused person.

6. I have carefully gone through the evidence on record and heard Ld. Counsels for both sides. It appears from the evidence on record that PW1, who is the informant and injured of the instant case, has not adduced any incriminating evidence against the accused K. Santosh Rao. She has clearly revealed that due to misunderstanding she lodged the FIR and she has no objection on acquittal of the accused. Hence, from the evidence on record, I find no ingredients of offence U/Ss. 358/325 IPC or any other offence against the accused. Hence, it appears that prosecution has failed to prove the case against the accused person.

7. In the result, the accused K. Santosh Rao is found not guilty U/Ss.358/325 IPC and hereby acquitted from the charges under said sections 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 **4<sup>th</sup> day of July, 2014.**

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

*Dictated and Corrected by me.....*

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

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