

C.R.CASE NO. 99^c/2011

(U/S - 342/323/506 r/w section 34 of the IPC)

**IN THE COURT OF JUDICIAL MAGISTRATE FIRST
CLASS, DIBRUGARH, ASSAM**

C.R.CASE NO. 99^c/2011

(U/S - 342/323/506 r/w section 34 of the IPC)

Present: Sanskrita Khanikar, A.J.S.

**Judicial Magistrate First Class,
Dibrugarh**

1. Sri Binod Kurmi

2. Sri Bubuth Kurmi

Both sons of Late Sri Nitai Kurmi

R/O - 2 No. Kachomari Gaon

P.S., P.S.- Moran

Dist - Dibrugarh, Assam.....**Complainant**

Vs

1. Sri Dhaniram Kurmi

2. Sri Tinku Bajaj

3. Sri Atul Kurmi

4. Sri Ram Kurmi

5. Sri Monu Kurmi @ Kamaleshwar

6. Sri Surya Narayan Kurmi

7. Sri Suresh Kurmi.....Accused Persons

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Advocate for the Complainants: Learned Sri Shyam Dutta

Advocate for the Accused : Learned Sri Neelam Kar

Evidence recorded on : 29-06-2016, 21-06-2017,
07-10-2017, 06-01-2018

Argument heard on : 06-04-2021, 12-04-2021,
26-04-2021

Judgment delivered on : 07-05-2021

J U D G M E N T

1. The accused Sri Dhaniram Kurmi, Sri Tinku Bajaj, Sri Atul Kurmi, Sri Monu Kurmi @ Kamaleshwar, Sri Surya Narayan Kurmi, Sri Ram Kurmi and Sri Suresh Kurmi stood trial for offences punishable u/sec 342/323/506 r/w Section 34 of the Indian Penal Code.

2. The allegation brought in by the complainants is summarised as follows:

The complainants, namely, Sri Bubuth Kurmi and Sri Binod Kurmi are brothers. Sri Bubuth Kurmi is employed under a contractor at BCPL, Dibrugarh. During Durga Puja in the year 2010, he had come home. On 25-10-2010, the complainants along with

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one Sri Debaru Kurmi went to Mohmara Tea Estate to watch a movie at night. They were also accompanied by one Sri Huntu Kurmi. After the movie, Sri Bubuth Kurmi spent the night at Sri Huntu Kurmi's house and Sri Binod Kurmi returned to his house.

On the same day i.e. on 25-10-2010, one Sri Tileshwar Kurmi, an employee of the accused Sri Tinku Bajaj's brick factory was reported as missing. His dead body was recovered on 27-10-2010 at Mohmara Tea Estate near Sri Tinku Bajaj's brick factory.

On 26-10-2010, Sri Bubuth Kurmi went back to his workplace at Dibrugarh but there he found that work had not yet started. So, he went to the house of one Sri Samarjit Nanda at Namtula, Ladoigarh, Sibsagar and stayed there for about 15 days. Then he went to Sri Bhada Kurmi's house at Sapekhati and stayed there for about 3 days. Then he went to Borbam and stayed at the house of Sri Phulldhar Kurmi for about 3 days. He then returned to Sri Bhada Kurmi's house on 15-11-2010. On 15-11-2010, at about 3 a.m. in the night the accused persons forcibly took him away from Sri Bhada Kurmi's house to Sri Tileshwar Kurmi's house where he was mercilessly assaulted by the accused persons. The accused persons removed his clothes, hung him upside down, tied his hands and feet and beat him. They tried to forcibly extract the confession

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from him that he along with Sri Binod Kurmi and Sri Debaru Kurmi killed Sri Tileshwar Kurmi. On 16-11-2010, at about 9 p.m. in the night, the accused persons forcibly took Sri Binod Kurmi from his house to Sri Tileshwar Kurmi's house where he was also subjected to the same treatment as his brother. The accused persons removed his clothes, hung him upside down, tied his hands and feet and beat him. They tried to extract the same confession from him that he along with his brother and Sri Debaru Kurmi killed Sri Tileshwar Kurmi. The accused Sri Atul Kurmi forcibly took away an Onida mobile handset and Rs. 2,900/- from Sri Bubuth Kurmi. While Sri Binod Kurmi was taken away by the accused persons, the brother of the complainants Sri Nabin Kurmi followed the accused and found that his brother Sri Binod Kurmi was taken to Sri Tileshwar Kurmi's house where his brother Sri Bubuth Kurmi was also held captive. He saw the accused physically assaulting the complainants. The accused saw him in the spot and tried to get hold of him but he somehow managed to escape. The accused handed over the complainants to the police. The police took the complainants to Moran P.S. where they were physically assaulted by the O/C, Moran P.S. Sri Prabhat Phukan and S.I. Sri Sunti Hazarika at the instigation of the accused Sri Tinku Bajaj due to which the

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complainants sustained serious injuries. The complainants were implicated as accused in Moran P.S. Case No. 122/2010 u/sec 302 r/w section 34 of the IPC. It has been submitted in the instant complaint that the complainants were falsely implicated in the murder case of Sri Tileshwar Kurmi. The brother of the complainants Sri Nabin Kurmi lodged a complaint in this respect to the O/C, Moran P.S. forwarded by the learned CJM, Dibrugarh vide issue no. SDL/2300/10 dated 20-11-2010 but to no effect. As such, the complainants were compelled to file the instant complaint against the accused persons u/sec 211/307/325/341/394/506 r/w sec 34 IPC in the Court.

3. Upon perusal of the case record it transpires that vide order dated 12-04-2011, my learned predecessor-in-office was pleased to call a report from the O/C, Moran P.S. as to whether the complainants had filed any complaint which was forwarded to the Moran P.S. by the then learned CJM, Dibrugarh for investigation and necessary action and whether any case had been registered on the basis of the said complaint. Accordingly, a report was received from the O/C, Moran P.S. wherein it was stated that no such complaint petition had been received at the Moran P.S. as mentioned in para no. 15 of the instant complaint. My learned predecessor-in-office was then pleased to

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examine the complainants u/sec 200 Cr.P.C. and 7 nos. of complainant witnesses u/sec 202 Cr.P.C. Summons were then issued to the seven accused persons. On receipt of the court process, the accused persons appeared before this Court and were allowed to go on bail.

4. Upon careful perusal of the materials on record, a prima facie case was found u/sec 342/323/506 r/w section 34 of the IPC and the particulars of the offences u/sec 342/323/506 r/w Section 34 of the IPC were explained to the accused to which they pleaded not guilty and claimed to be tried. It is pertinent to mention here that vide order dated 27-01-2014, the case stood abated against the accused Sri Dhaniram Kurmi upon confirmation of his death and vide order dated 14-02-2019, the case stood abated against the accused Sri Tinku Bajaj upon confirmation of his death. Upon completion of the prosecution evidence, the accused were examined u/sec 313, Cr.P.C. wherein they denied all the allegations against them and claimed to be innocent. The defence adduced no evidence.
5. I have heard the arguments of the learned counsels for the complainants as well as the learned counsel for the accused persons. I have also carefully gone through all the evidence adduced on record.

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6. POINTS FOR DETERMINATION:-

- i) Whether the accused persons on 15-11-2010 and 16-11-2010, in furtherance of their common intention, wrongfully confined the complainants at the residence of deceased Sri Tileshwar Kurmi and thereby committed an offence punishable u/sec 342 r/w Sec 34 of the IPC?
- ii) Whether the accused persons, on the same day(s) and at the same place, in furtherance of their common intention voluntarily caused hurt to the complainants and thereby committed an offence punishable u/sec 323 r/w Sec 34 of the IPC?
- iii) Whether the accused persons, on the same day(s) and at the same place, in furtherance of their common intention, subjected the complainants to criminal intimidation by threatening them to cause injury on their persons and thereby committed an offence punishable u/sec 506 r/w Sec 34 of the IPC?

DISCUSSION, DECISION AND REASONS THEREOF:-

7. The PW-1, being the one of the complainants, namely, Sri Bubuth Kurmi deposed in his evidence that the complainant Sri Binod Kurmi is his brother and that they are both from the same village. The incident occurred sometime in the year 2010. At that time he

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was working at BCPL, Dibrugarh. In the same year, he had come home during Durga Puja. On 26-11-2010, he came back to his workplace but there, one Sri Babul Pator informed him that work had not yet started and that work will start after about a month's time. He then went to his maternal uncle's house at at Sonari Ladoigarh Namtola Gaon and stayed there for about 15 days. After that, he went to his aunt's house at Sapekhati and stayed there for about 3 days. After the third day, at about 3 a.m. at night, the accused Sri Atul Kurmi, Sri Ram Kurmi, Sri Dhaniram Kurmi, Sri Munu Kurmi @ Kamaleshwar and Sri Surya Narayan Kurmi forcibly took him to one Sri Tileswar Kurmi's house where they removed his clothes and tied his hands. He was, then, physically assaulted by Sri Atul Kurmi, Sri Ram Kurmi, Sri Munu Kurmi @ Kamaleshwar, Sri Suresh Kurmi, Sri Dhaniram Kurmi and Sri Tinku Bajaj. The accused asked him about the murder of Sri Tileswar Kurmi at Mahmara Tea Estate and he replied that he knew nothing about the said murder. The accused by physically assaulting him tried to forcibly extract a confession out of him that he had committed the murder of Sri Tileswar Kurmi. The accused then brought his brother Sri Binod Kurmi and Sri Debaru Kurmi and physically assaulted them as well. The accused Sri Atul Kurmi took away Rs. 2,900/- and one

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Onida mobile handset from his pocket. The next day, in the afternoon time, the police came and took them away to the Moran P.S. On the same day at about 02:30 a.m. in the night two police personnel, namely, Sri Prabhat Phukan and Sri Sunti Hazarika beat up the complainants. PW-1 stated that they have instituted the instant case against the accused persons as they have caused immense harassment to the complainants by lodging a false case upon them.

During his cross-examination, he stated that as the complainants were implicated as accused in the murder of Sri Tileshwar Kurmi, they were in judicial custody for about three months. He denied the defence suggestion that in the murder case instituted against him and his brother, the accused were listed witnesses and that for the same reason, he and his brother lodged this complaint against the accused. He also stated that he cannot read or understand English language and for the same reason, he was unable to elaborate the contents of the complaint petition. He denied the defence suggestion that the accused persons did not physically assault him and his brother. He also denied the defence suggestion that he had lodged the instant complaint in order to threaten the accused persons who were listed witness in the said murder case. He did not mention the currency

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denominations of the money in the complaint alleged to have been taken from his pocket by accused Sri Atul Kurmi. He also did not mention the phone no. of the mobile handset in the complaint alleged to have been taken away by the accused Sri Atul Kurmi from his pocket. He denied the defence suggestion that the accused Sri Atul Kurmi did not take away Rs. 2,900 and the Onida mobile handset from his pocket and that he had lodged a false complaint against the accused. He stated that he sustained serious injuries and that for the same he had submitted the relevant medical documents in Court. He denied the defence suggestion that he does not work at BCPL, Dibrugarh. He denied the defence suggestion that the villagers had handed him and his brother to the police. He denied the defence suggestion that no such incident as deposed by him had taken place.

8. PW-2, namely, Sri Binod Kurmi, being the other complainant, deposed in his evidence that PW-1 Sri Bubuth Kurmi is his brother. He stated that on 16-11-2010 at about 9 p.m. in the night, the accused Sri Tinku Bajaj, Sri Atul Kurmi, Sri Suresh Kurmi, Sri Surya Narayan Kurmi, Sri Dhaniram Kurmi, Sri Ram Kurmi and Sri Munu Kurmi @ Kamaleshwar complainant entered into his house and forcibly took him to Sri Tuleshwar Kurmi's house. Then the accused removed his clothes,

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He stated that he was tied up his hands and physically assaulted him. They kept asking him if he had killed Sri Tileshwar Kurmi and when he replied that he knew nothing about the incident, they beat him up even more. His brother Sri Madan kurmi was informed by Sri Nabin Kurmi (another brother) that the complainants were being assaulted by the accused at Sri Tileshwar Kurmi's house. The police upon receiving information about the incident, brought the complainants from Sri Tileshwar Kurmi's house and kept them in the police station for one night. In the police station, the complainants were physically assaulted by the police in connection with Sri Tileshwar Kurmi's murder. He stated that he was in judicial custody for about 3 months. He lodged the instant complaint after he was released from judicial custody.

During his cross-examination, he stated that on 16-11-2010, he was arrested by the police in connection with a murder case. He did not file any case in the police station for the physical assault committed upon him. He denied the defence suggestion that he was handed over to the police by the villagers. He denied the defence suggestion that he was not physically assaulted by the accused persons. He is not an educated person and for the same reason he could not elaborate the contents of the instant complaint. His

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brother Sri Nabin Kurmi had instituted a complaint against the accused in the Court of the learned CJM, Dibrugarh and that the same was forwarded to the Moran P.S. by the learned CJM, Dibrugarh. He is not aware of what happened in the said case and without knowing the status of that case, he instituted the instant complaint against the accused. He denied the defence suggestion, that he instituted the instant complaint in order to obtain acquittal in the murder case in which he has been implicated as accused. He denied the defence suggestion that he instituted the instant complaint against innocent persons. He stated that the accused Sri Ram Kurmi, Sri Munu Kurmi @ Kamaleshwar, Sri Surya Narayan Kurmi, Sri Atul Kurmi and Sri Suresh Kurmi had deposed as witnesses in the murder case in which he has been implicated as an accused. He denied the defence suggestion that in his deposition u/sec 202 Cr.P.C. in the instant case, he had not stated that the accused persons forcibly took him away from his home. He denied the defence suggestion that in his deposition u/sec 202 Cr.P.C. in the instant case, he had not stated that he was being taken away by the police from Sri Tileshwar Kurmi's house on being informed by Sri Madan Kurmi. He did not institute any case in the police station immediately as regards the physical assault committed upon him.

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He denied the defence suggestion that he did not state in his deposition u/sec 202 Cr.P.C. that the incident was seen by his brother Sri Nabin Kurmi. He denied the defence suggestion that he instituted the instant complaint against the accused persons simply to threaten them as they were witnesses in the murder case in which he has been implicated as an accused. He denied the defence suggestion that he had deposed falsely in the Court.

9. PW-3, namely, Sri Nabin Kurmi deposed in his evidence that the complainants are his brothers. He stated that the accused persons are known to him. According to him, on 15-11-2010, Sri Bubuth Kurmi went to his friend's place at Sapekhati. Later, he again stated that the complainant Sri Bubuth Kurmi went to Sapekhati a week before 15-11-2010. On 16-11-2010, he was informed by Sri Ramavatar Agrahari, the owner of the house where he worked, that on the night before, his brother Sri Bubuth Kurmi was taken away to Sri Tileshwar Kurmi's house. He then came back to his house. When he was still at home, he and his brother Sri Binod Kurmi were forcibly taken to Sri Tileshwar Kurmi's house by the accused Sri Tinku Bajaj, Sri Atul Kurmi, Sri Munu Kurmi, Sri Ram Kurmi, Sri Dhaniram Kurmi, Sri Suresh Kurmi and Sri Surya Narayan Kurmi. The accused started beating Sri Binod Kurmi when

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they reached the gate of Sri Tileshwar Kurmi's house. PW-3 then saw Sri Bubuth Kurmi there with his hands and feet tied and clothes removed. The accused then started removing Sri Binod Kurmi's clothes and beating him. They were also about to beat the PW-3 but he somehow escaped by running through the rice cultivation fields. Upon reaching home, he called his brother Sri Madan Kurmi who in turn informed about the matter at Moran police station. The police then brought the complainants Sri Bubuth Kurmi and Sri Binod Kurmi to the Moran P.S. He also stated that the accused persons had lodged a case against the complainants. Due to the injuries sustained by them, the accused were given medical treatment while they were in judicial custody and also when they came back home. The case instituted by the accused persons against the complainants has already been disposed of and the complainants have been acquitted in the same.

During his cross-examination, he stated that about a week before the incident, Sri Bubuth Kurmi had come home on account of the Durga Puja holidays. He stated that about 20-25 people had come to his house for taking away Sri Binod Kurmi and the accused were amongst them. He could not state the date on which Sri Tileshwar Kurmi was murdered. He, however,

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stated that on the day of the said murder, the complainants were in the village itself. He did not institute any case in the police station for the physical assault committed upon the complainants. He denied the defence suggestion that the accused had not taken him and that he had himself followed them. He denied the defence suggestion that none of the accused persons physically assaulted the complainants. He stated that the accused had deposed as witnesses in the murder case in which the complaints were implicated as accused. He denied the defence suggestion that the instant complaint has been instituted against the accused persons simply to threaten them as they were witnesses in the said murder case. According to him about 60 to 70 people were gathered at Sri Tuleshwar Kurmi's house including the accused persons but he could not remember their names. The villagers did not try to rescue the complainants. He did not see who brought Sri Bubuth Kurmi from Sapekhati. He did not state in his deposition u/sec 202 Cr.P.C. that he was informed by Sri Ramavatar Ahrahari that Sri Bubuth Kurmi was forcibly taken away by the accused. He denied the defence suggestion that he had deposed falsely in the Court. He denied the defence suggestion that no such incident as deposed by him had taken place.

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10. PW-4, namely, Sri Madan Kurmi, deposed in his evidence that the complainants are his brothers. The accused persons are known to him as they are from the same village as him. On 16-11-2010, at about 10:30 p.m., he was informed by his brother being PW-3 Sri Nabin Kurmi that he and Sri Binod Kurmi had been forcibly taken away by the accused Sri Tinku Bajaj and a group of about 40 to 60 people to Sri Tileshwar Kurmi's house. According to him, Sri Bubuth Kurmi had been taken away to Sri Tileshwar Kurmi's house at about 3 a.m. on the night of 15-11-2010 by the accused. He stated that Sri Binod Kurmi was physically assaulted and that PW-3 Sri Nabin Kurmi somehow managed to escape. PW-3 informed him about the incident over the phone and asked him to inform the matter to the police. Accordingly, PW-4 informed the matter at Moran P.S. Within half an hour, the police reached the spot and brought the complainants and Sri Debaru Kurmi to the police station. Sometime later, PW-4 also went to the police station and upon reaching, he saw that the complainants were only in their half-pants, that there were injuries on their bodies and Sri Binod Kurmi also had an injured eye. He then went back home to find out how the incident occurred. He came to know that Sri Tileshwar Kurmi worked at the brick factory of the accused Sri Tinku

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Bajaj and that he was found missing from the workplace since 26-10-2010. Thereafter, an investigation was carried out after the accused Sri Dhaniram Kurmi lodged an F.I.R. During the course of the investigation, about 5 persons were arrested. They were employees of the accused Sri Tinku Bajaj. The dead body of Sri Tishwar Kurmi was found by the police at Mohmara Tea Estate. He stated that he lodged an ejahar at Moran P.S. as regards the physical assault committed upon the complainants by the accused but the O/C, Moran P.S. told them that nothing can be done about it and that he may approach the Court for the same. He then came to Dibrugarh and with the help of an advocate submitted a copies of the ejahar to the S.P., Dibrugarh, the learned CJM, Dibrugarh and to the police station but nothing was done by anyone. He also stated that the complainants have been acquitted in the case lodged against them by the accused. The accused Sri Tinku Bajaj and his employees physically assaulted the complainants due to which they sustained serious injuries and had to undergo long term treatment in judicial custody and later on in the Assam Medical College and Hospital, Dibrugarh as well. They also had to undergo treatment through private doctor.

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During his cross-examination, he stated that he did not see the incident and had come to know about it through phone. He also heard about it from Sri Puron Kurmi and Sri Meghnath Kurmi. Sri Puron Kurmi has already expired and Sri Meghnath Kurmi has not been called as a witness in the instant case. He denied the defence suggestion that he had deposed in the Court as tutored by the complainants. He denied the defence suggestion that it was the accused who had handed over the complainants to the police. He stated that the accused persons had deposed as witnesses in the murder case in which the complainants were implicated as accused. He also stated that he did not submit the medical documents regarding the treatment of the complainants and the copy of the ejahar lodged by him. He denied the defence suggestion that the instant complaint has been instituted against the accused persons simply to threaten them as they were witnesses in the said murder case. He denied the defence suggestion that he deposed falsely in the Court.

11. PW-5, namely, Sri Guleshwar Kurmi, deposed in his evidence that the complainants are his brothers. The accused persons are known to him as they are from the same village as him. The incident occurred sometime in the year 2010. On the day of the

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occurrence, he was at home when some villagers came and took Sri Binod Kurmi to Sri Tileshwar Kurmi's house. Later on, he heard that Sri Binod Kurmi was beaten there for some reason.

During his cross-examination, he could not state the names of the villagers who had come to his house to take away Sri Binod Kurmi. He did not see any act of physical assault.

12. After meticulous perusal of the testimonies of the complainant witnesses, it transpires that PW-1 and PW-2 are the complainants, PWs 3, 4 and 5 are their brothers. PWs 4 and 5 are bith hersay witnesses as they have categorically stated in their evidence that they have not seen the occurrence but had come to know about it through others. Admittedly, the complainants were implicated as accused in the murder case of Sri Tileshwar Kurmi and in connection with the same, they have also undergone detention of about 3 months in judicial custody. Though the complainants have alleged that they have been wrongfully confined, physically assaulted and criminally intimidated by the accused persons in connection with the murder of Sri Tileshwar Kurmi, no medical evidence have been brought on record by

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them as regards the injuries sustained by them due to the alleged physical assault by the accused.

13. In the complaint it has been clearly stated that on 16-11-2010, while Sri Binod Kurmi was being taken away from his home by the accused persons, the brother of the complainants Sri Nabin Kurmi 'followed' the accused and found that his brother Sri Binod Kurmi was taken to Sri Tileshwar Kurmi's house where his brother Sri Bubuth Kurmi was also held captive. Contrary to this, the PW-3 has stated in his deposition that on 16-11-2010, he and his brother Sri Binod Kurmi 'were both forcibly taken' to Sri Tileshwar Kurmi's house by the accused but that later, he somehow escaped by running through the rice cultivation fields. This contradiction in the complaint and the deposition of the PW-3 creates a doubt in the mind of the Court and casts reflection on the truthfulness of the allegations specified in the complaint.

14. PW-3 stated in his cross-examination that about 20-25 people had come to his house for taking away Sri Binod Kurmi and that the accused were amongst them. He also stated that about 60 to 70 people were gathered at Sri Tileshwar Kurmi's house including the accused persons whose names he could not remember but none of the villagers tried to rescue the complainants. PW-4 stated in his evidence that on 16-

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11-2010, at about 10:30 p.m., he was informed by his brother being PW-3 Sri Nabin Kurmi that he and Sri Binod Kurmi had been forcibly taken away by the accused Sri Tinku Bajaj and a group of about 40 to 60 people to Sri Tileshwar Kurmi's house. PW-5 stated in his evidence that on the day of the occurrence, he was at home when some villagers came and took Sri Binod Kurmi to Sri Tileshwar Kurmi's house. It is surprising that the complainant side failed to adduce the evidence of a single villager or any other person who had accompanied the accused when they had come to take away Sri Binod Kurmi from his house or of any other person who was present at the house of Sri Tileshwar Kurmi where the complainants were allegedly subjected to physical assault and wrongful confinement by the accused. There are no independent witnesses in the instant case. All the witnesses are brothers of the complainants and thus, by virtue of their relation to the complainants, there is every possibility of them being 'interested witnesses'.

15. Moreover, as has been stated by both the complainants in their testimonies that they being uneducated persons are not aware as regards the contents of the complaint. It, thus, clearly transpires that the complaint was not written by the complainants. As such, the writer of the complaint

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ought to have been examined by the complainant side but they failed to do the same and accordingly, it is observed that the complainants failed to duly prove the complaint. This creates a doubt in the Court's mind as to whether the version elaborated in the complaint is the true and actual version of the alleged occurrence. A report was received from the O/C, Moran P.S. dated 26-04-2011 wherein it was stated that no such complaint petition had been received at the Moran P.S. as mentioned in para no. 15 of the instant complaint.

16. As is clear from the above discussion, the evidence on record is quite inadequate to establish the case of the complainants and there is ample scope of reasonable doubt as to the factum of the occurrence alleged. In the absence of any cogent evidence, I am not inclined to hold the accused persons guilty u/sec 342/323/506 r/w section 34 IPC and they are, hereby, found entitled to benefit of doubt. Situated thus, I am constrained to hold that the complainant side has failed to establish the guilt of the accused persons, namely, Sri Atul Kurmi, Sri Monu Kurmi @ Kamaleshwar, Sri Surya Narayan Kurmi, Sri Ram Kurmi and Sri Suresh Kurmi u/sec 342/323/506 r/w sec 34, IPC beyond all reasonable doubt. As such, the points of determination are answered in the

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negative in favour of the above named accused persons.

ORDER

17. In view of the decision made above, the accused namely Sri Atul Kurmi, Sri Monu Kurmi @ Kamaleshwar, Sri Surya Narayan Kurmi, Sri Ram Kurmi and Sri Suresh Kurmi are acquitted of the offences under sections 342/323/506 read with section 34, IPC and set at liberty forthwith.

Their bail bonds shall remain in force for six months from today in compliance with section 437-A, Cr.P.C.

The case is disposed of on contest.

Given under my hand and the seal of this Court on this 7th day of May, 2021 at Dibrugarh.

Typed by: Self

Smti. Sanskrita Khanikar

Judicial Magistrate First Class
Dibrugarh

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APPENDIX

A. Complainant witnesses:-

- i) Sri Bubuth Kurmi as PW-1
- ii) Sri Binod Kurmi as PW-2
- iii) Sri Nabin Kurmi as PW-3
- iv) Sri Madan Kurmi as PW-4
- v) Sri Guleswar Kurmi as PW-5

B. Defence witnesses:- Nil

C. Complainant exhibits:- Nil

D. Defence exhibits: Nil

Smti. Sanskrita Khanikar

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