

**IN THE COURT OF THE CHIEF JUDICIAL
MAGISTRATE, DIBRUGARH :: ASSAM.**

G.R. Case No. 1474/2020 (PRC 1073/2020)

U/s 341/ 326/ 506 IPC

State of Assam

-Vs-

Sri Natwarlal Doom @ Danny

.....Accused

***PRESENT : Smti. Rani Boro,
Chief Judicial Magistrate,
Dibrugarh.***

APPEARANCE :

Ld. Advocate for the Prosecution : Smti. D. Gogoi,
Asst. P.P.

Ld. Advocate for the Defence : N. Begum
I. Haque

Date of evidence : 01.12.2021

Date of argument : 01.12.2021

Date of judgment : 01.12.2021

J U D G M E N T

- 1.** The prosecution case in a nutshell as emanated from the Ejahar lodged on 22.04.2020 at about 10.50 pm is that on 21.04.2020 at about 6 pm when the informant reached town to close the shutter of Bank of Baroda with his bicycle then accused restrained him near Dibrugarh Town station and

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started to assault him physically with the pretext not to supply wine to him on 14th April (on the day of Bihu) at his choice. The accused caught the informant by the neck and made him fall on the road with an intent to kill. After the assault the informant was then suffering from stomach pain and due to his sudden physical attack he sustained grievous injuries on his face and other places of his body. The accused also broke 2-3 teeth and he sustained deep cut on his lip and other places of his body. The accused also stole his bicycle. The accused further threatened him to assault him if necessary wines are not supplied to him at his choice.

The informant regarding the incident lodged one FIR before the Dibrugarh Police station.

2. On the basis of the FIR, the O/C Dibrugarh P.S registered a case as Dibrugarh P.S case no. 669 of 2020 U/S 341/325/307/511/384/506 IPC. After registration Investigation was entrusted to ASI Diganta Handique. During the course of investigation he recorded the statement of the available witnesses and having completed the other parts of investigation submitted the case diary to SI Manorajan Saikia. SI Manoranjan Saikia filed charge sheet against the accused **Sri Natwarlal Doom @ Danny** U/s 341/326/506 IPC.

3. Case record was kept in the file of this Court for disposal vide order dated 18.09.2020. Summons was issued to accused who entered appearance. On filing bail petition same was allowed. Copy was furnished to the accused. On finding *prima facie* materials charge U/s 341/326/506 IPC was framed which was read over and explained to the accused person to which he pleaded not guilty and claimed to be tried.
4. Prosecution as such, examined 1 (one) witness in this case and evidence was thus closed. Thereafter, the recording of statement of the accused U/s 313 was dispensed with. Defence evidence was closed. Judgment is accordingly, prepared after hearing the arguments of both sides.
5. Having heard both sides and after perusing the materials on record, the following points for determinations are framed by this court for the just decision of the case:
6. **POINTS FOR DETERMINATION :-**
 - (i) Whether the accused 21.04.2020 at about 6 pm wrongfully restrained the informant and thereby committed an offence punishable U/s 341 IPC?
 - (ii) Whether on the same date time and place the accused voluntarily caused grievous hurt

by means of dangerous weapon and thereby committed an offence punishable U/s 326 IPC?

iii) Whether on the same date, time and place the accused criminally intimidated the informant with dire consequence and thereby committed an offence punishable U/s 506 IPC?

MY DECISIONS AND REASONS FOR DISCUSSIONS ARE AS FOLLOWS:-

7. PW 1 deposed that he is the informant of this case. He knows the accused person standing in the dock who is his neighbour. About 2 years ago he lodged this case against the accused person. There was an altercation with the accused person on the way of returning back to his home. It was a small incident and due to misunderstanding, he lodged this case against the accused. Exhibit 1 is the FIR and Exhibit 1(1) is his signature. At present he has no allegation against the accused. He does not want to proceed with the matter.

PW 1 in his cross-examination deposed that he has no objection if the accused person is acquitted from the case.

8. From the evidence therefore it is very clear that the FIR was lodged by informant PW 1 due to misunderstanding. That misunderstanding has been resolved by both the parties now and informant does not want to proceed against the accused

further. There is no evidence deposited by PW 1 about any offence U/s 341/326/506 IPC Because of absence of evidence against the accused person this Court finds the accused not guilty of offences U/s 341/326/506 IPC and acquit him of the same. The accused is set at liberty forthwith as prosecution miserably failed to prove the charges against him.

ORDER

In the light of the above discussion, the accused **Sri Natwarlal Doom @ Danny** is acquitted of offences U/s 341/326/506 IPC and set at liberty forthwith as prosecution failed to prove this case beyond reasonable doubt.

The bond shall remain in force for 6 (six) months from today.

Judgment is prepared in separate sheets and tagged with the case record.

Given under my hand and seal of this court on this 01st day of December, 2021.

(Smti Rani Boro)
Chief Judicial Magistrate,
Dibrugarh

Appendix

Prosecution Witness :-

PW1 :- Dinesh Rai

Defence witness :- None

Exhibits :-

Prosecution exhibits :-

Ext 1 :- FIR.

Ext 1(1) :- Signature of PW 1.

Defence exhibits :-None

Court witness :- None.

Court exhibits :- None.

CJM, Dibrugarh