

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

PRC NO. 1173/2021 (G.R. 3237/2021)

U/s 342/324/506 IPC

State of Assam

-Vs-

1. Sri Suraj Murari..... Accused.

PRESENT : Smti. Rani Boro.

Chief Judicial Magistrate,

Dibrugarh.

APPEARANCE :

Ld. Advocate for the Prosecution : Smti. G. Phukan,
Addl. P.P.

Ld. Advocate for the Defence : Shri Dipen Baruah.

Date of evidence : 13.12.2021.

Date of argument : 13.12.2021.

Date of judgment : 13.12.2021.

J U D G M E N T

- 1.** The case of the prosecution in brief is that on 18/08/2021, the complainant Shri Madan Murari, lodged and FIR stating that on 17/08/2021, at about 3.30 PM, when the complainant went to tie a cow in the paddy field, in that time, the accused person came and wrongfully confined and brought him in his house and tie his leg with a chain and thereafter, assaulted him by a sharp cutting weapon causing greivous injuries on his neck and hand. That knowing about the incident, the nearby people came and they somehow managed to safe the informant. That the accused also threatened the complainant with dire consequence. Hence, the case.
- 2.** On the basis of the FIR, lodged by the informant, O/C, Moran P.S registered a case as Moran P.S case no. 157 of 2021 U/S 342/326/506 IPC . Police conducted investigation into the case and filed charge-sheet against the accused Shri Suraj Murari, under section 342/324/506 IPC.
- 3.** The accused person appeared in this case. Copies were furnished to him under section 207 Cr PC. Considering the materials on record and on hearing both sides, a prima facie case under section 342/324/506 IPC is found against the accused. Charge under section 342/324/506 IPC is framed

accordingly. When the charge is read over and explained to the accused, the accused person pleaded not guilty and claimed to be tried.

4. During trial, prosecution side examined 3 (three) witnesses in this case. The prosecution submitted to close the prosecution's evidence. On submission, evidence was closed. As no material has been found against the accused, statement of accused recorded under section 313 Cr PC was dispensed with.
5. I have heard the learned counsel for the accused and learned Addl. P.P for the State. Having heard both sides and after perusing the materials and evidence on record, the following points arises for determination in this case.
6. **Points for determination**
 - i. Whether on 17/08/2021, at about 3.30 PM, while the informant was tethering a cow in the field, the accused dragged him to his house and tie him with a chain and wrongfully confined him and thereby, committed an offence punishable u/s 342 IPC?
 - ii. Whether on the same date, time and place, the accused person voluntarily caused hurt to the informant with a sharp weapon (one saw 1 and ½

feet with wooden handle) and thereby, committed an offence punishable u/s 324 IPC?

- iii. Whether on the same date, time and place, the accused person committed criminal intimidation by threatening the informant Shri Madan Murari, with dire consequence and thereby, committed an offence punishable u/s 506 IPC?

DECISIONS, DISCUSSIONS AND REASONS THEREOF.

7. PW1 (Shri Madan Murari) deposed in his evidence that he is the informant of this case and he knew the accused person, who is his brother. That the incident has been forgotten by him. That the accused caught hold of him and called him to his house and later on, he compromised the matter. At present, he is ready to compromise the matter. PW1 have put his thumb impression in his FIR. At present, he does not want to proceed with the matter.
8. PW2 (Shri Lakheswar Murari) deposed in his evidence that he knew both the parties of this case, who are brother in relation and today, they have compromised the matter.
9. PW3 (Shri Nandeswar Ghatowar) deposed in his evidence that he knew both the parties of this case,

who are brother in relation and they had some quarrel which he know. Today, they have compromised the matter, which he know.

10. From the above evidence, it is found that no material against the accused under section 342/324/506 IPC exist. PW1, PW2 and PW3 have not implicated the accused in their evidence. PWs have stated that the matter has been settled between the complainant and the accused. Further, PW1, who is the informant of this case, deposed that the accused is his brother and he does not want to proceed with the matter and has no objection if the accused person is acquitted from this case.

11. In the light of the above discussions, the accused **Shri Suraj Murari is** acquitted of offence U/s 342/324/506 IPC and set at liberty forthwith as prosecution has failed to prove its case beyond reasonable doubt.

The bail 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
13th day of December, 2021.

**(Smti. Rani Boro)
Chief Judicial Magistrate,
Dibrugarh.**

Appendix

Prosecution Witness :-

PW1 :- Shri Madan Murari.

PW2 :- Shri Lakheswar Murari.

PW3:- Shri Nandeswar Ghatowar.

Defence witness :- None

Exhibits :-

Prosecution exhibits :-

None.

Defence exhibits : -None

Court witness :- None.

Court exhibits :- None.

CJM, Dibrugarh