

DISTRICT: MORIGAON

IN THE COURT OF ADDL. CHIEF JUDL. MAGISTRATE,

MORIGAON::::::::::ASSAM.

PRC Case No. 610 of 2018

U/S 279/337 of IPC

PROSECUTOR: STATE OF ASSAM

-VS.-

ACCUSED: SRI PRANJIT KR. NATH

Present : Smti. S. Acharyya, AJS,
Addl. Chief Judicial Magistrate,
Morigaon.

APPEARANCE:

For the State : Mr. P. Hazarika, Ld. Addl. Public Prosecutor.
For the accused person : Mr. A. Hoque, Ld. Advocate.
Offence explained on : 20.09.2019.
Evidence recorded on : 27.11.2019 & 18.01.2020.
Argument heard on : 18.01.2020.
Judgment delivered on : 18.01.2020.

J U D G M E N T

1. The prosecution case in brief is that the informant Sri Mantu Sarmah lodged an ejahar stating inter alia that on 21.03.2018, at about 6.30 PM, the accused person Sri Pranjit Kr. Nath hit Sri Sarat Sarmah in front of the house of Sri Sarbananda Nath by his motor cycle and thereby he sustained head injury and he also sustained injury at his nose and chest. Hence the case.

2. On receipt of the 'ejahar' at the police station, the same was registered as Mikirbheta P.S. Case No. 103/18 and the matter was investigated upon.

3. After completion of investigation police filed a charge-sheet
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against the accused person Sri Pranjit Kr. Nath under section 279/337 IPC.

4. On appearance of the accused person, he was allowed to go on bail. Relevant documents of the case were furnished to him. Upon perusal of materials on record and after hearing both sides, particular of offence under section 279/337 IPC has been read over and explained to the accused person to which he pleaded not guilty and claimed to be tried.

5. The prosecution in support of its case examined two witnesses. Whereas, the defence side has not examined any witness in support of its defence.

6. The examination under section 313 Cr.P.C. of the accused person is dispensed with as found not necessary.

7. I have heard the argument advanced by the learned counsels for both sides.

8. Upon hearing and on perusal of the record I have framed the following points for determination:

(i) Whether the accused person, on 21.03.2018, at about 6.30 PM, at Charaibahi under Mikirbheta PS in the Dist. of Morigaon drove his motor cycle in the public road in a manner so rash or negligent as to endanger human life or to be likely to cause hurt or injury to any other person and thereby committed an offense punishable U/S 279 of IPC?

(ii) Whether the accused person, on the said date, time and place caused hurt to Sri Sarat Sarmah by driving his vehicle rashly and negligently and thereby committed an offense punishable U/S 337 of IPC?

DISCUSSION, DECISIONS AND REASONS FOR THE DECISIONS:

9. For convenience of discussion and for the sake of brevity, I am discussing both the points together.

10. PW1 Sri Sarat Nath, who is the victim and PW2 Sri Mantu Sarmah who is the informant inter alia deposed that PW2 instituted this case out of misunderstanding and presently they have no allegation against the accused person and they have no objection, if the accused person is

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acquitted and PW2 does not want to proceed with the case. PW2 exhibited the ejahar as Ext.1 and his signature as Ext.1(1).

11. I have carefully gone through the evidence on record. From the evidence it appears that PW1, who is the victim and PW2, who is the informant have not supported the prosecution case, as stated in the ejahar. In the result, there is no incriminating evidence against the accused person.

12. In view of above discussion, the accused Sri Pranjit Kr. Nath is acquitted of offence U/S 279/337 of IPC and set at liberty forthwith.

13. Bail bond shall remain in force for next six months.

14. The zimma of the seized articles disposed of as per law.

15. The case is disposed of on contest.

16. Given under my hand and seal, today, the 18th day of January, 2020.

Dictated and corrected
by me.

S. ACHARYYA
Addl Chief Judicial Magistrate
Morigaon.

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Addl Chief Judicial Magistrate
Morigaon.

Dictation taken and
transcribed be me.

Computer Typist.

APPENDIX:

Prosecution witness:

PW1- Sri Sarat Sarmah

PW2- Sri Mantu Sarmah

Prosecution exhibits:

Ext.1- Ejahar.

Defence witness:

Nil.

Defence exhibit:

Nil.

Dictated and corrected
by me.

S. ACHARYYA
Addl Chief Judicial Magistrate
Morigaon.

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