

IN THE COURT OF ADDL. CHIEF JUDL. MAGISTRATE, MORIGAON:::::::::ASSAM.

PRC CASE NO. 638/2019 (u/s 365/342/506 of IPC)

STATE OF ASSAM

-vs-

Sri Dulal Hira,
S/o Sri Biplab Hira,
r/o Moripachatia, Ward No.2,
P.S. Morigaon,
District Morigaon, Assam.

..... Accused person.

Present: Mr. C. Baruah, AJS,
Addl. Chief Judicial Magistrate,
Morigaon.

APPEARANCE:

For the State : Mr. P. Hazarika, Ld. Addl. Public Prosecutor.
For the accused person : Mr. N. Kr. Bora, Ld. Advocate.
Charge framed on : 03.10.2019.
Evidence recorded on : 30.01.2020.
Argument heard on : 30.01.2020.
Judgment delivered on : 30.01.2020.

J U D G M E N T

1. Prosecution's case in brief is that on 22.02.2018, the informant, Sri Pranab Das (Kaliram Das) had lodged an ejahar before the Officer-in-chief, Morigaon police station alleging therein inter-alia that on 22.02.2018, at about 9.00 PM, the accused person Sri Dulal Hira had kidnapped the informant, wrongfully confined him and also caused him criminal intimidation. Hence, the prosecution case before this court.

2. After receiving the ejahar, police registered a case being numbered as Morigaon Police Station Case No. 129/2018 and started investigation of the case.

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3. After completion of investigation, the I.O. in the instant case has submitted charge-sheet U/S 365/342/506 of I.P.C., against the accused person. Thereafter, summons issued to the accused person. After receiving summons, the accused person has entered his appearance before the court and subsequently remained on bail to face the trial.

4. At relevant point of time, the present accused person was supplied with the copies of relevant documents, as required U/S 207 Cr. P. C. Considering the relevant documents and upon hearing both the parties, the charge U/S 365/342/506 of I.P.C. was framed and kept with case record. Charge is duly read over and explained to the accused person, to which he pleaded not guilty and claimed to be tried.

5. Prosecution side has examined only one witness i.e. the informant in the instant case. Thereafter, Ld. A.P.P for the State has submitted that none examination of the other witnesses in the instant case will not affect the merit of the case in any way. Considering all, the evidence for the prosecution side was closed.

6. Thereafter, the examination of the accused person U/S 313 Cr.P.C. was dispensed with as no incriminating materials appeared against the accused person in the evidence adduced by prosecution side.

7. I have heard arguments advanced by the Ld. Counsel for the accused person as well as the Ld. A.P.P. for the State and also perused the case record carefully.

POINTS FOR DETERMINATION IN THIS CASE:-

8. The points, which are raised for determination here in the instant case are as follows:-

(i) Whether the accused person, Sri Dulal Hira on 22.2.2018, at about 9.00 PM, at Moripachatia under PS and District Morigaon kidnapped Pranab Das with the intent to cause him to be secretly and wrongfully confined, so as to hold the accused person guilt U/S 365 of I.P.C?

(ii) Whether the accused person, Sri Dulal Hira on the same date, time and place wrongfully confined Pranab Das, so as to hold the accused person guilt U/S 342 of I.P.C?

(iii) Whether the accused person, Sri Dulal Hira on the same date, time

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and place criminally intimidated Pranab Das, so as to hold the accused person guilty U/S 506 of I.P.C?

DISCUSSION OF EVIDENCE, DECISION AND REASONS THEREOF:-

9. All the above points are consistent with each other and therefore for the sake of convenience, all the points are taken up together for decision. The prosecution had examined only one witness in support of the case. Now, let me appreciate the evidence of the lone witness in the instant case as well as other evidences on record and thereby to arrive at a just decision.

10. The PW1, Pranab Das @ Kaliram Hira, who is the informant of the instant case had deposed that he instituted this case due to misunderstanding. Hence, he would have no objection, if the accused is acquitted in this case. He exhibited the ejahar as Ext.1 and his signature as Ext.1(1).

11. Now, a close observation of the deposition of the PW1 will make it clear that, he himself being the complainant cum victim in the instant case have not stated anything implicating against the accused person in the alleged offence U/S 365/342/506 of I.P.C. rather, he stated that due to misunderstanding he lodged the ejahar against the accused person.

12. Further as no other witnesses has been got examined in this case in order to support this case except PW1, it is safe to conclude that nothing incriminating against the accused person could be found, so as to hold the accused person guilty U/S 365/342/506 of IPC.

13. In view of the above discussion on evidences adduced, it appears that nothing incriminating against the accused person was found so as to hold the accused person liable U/S 365/342/506 of I.P.C.

O R D E R

14. I have carefully gone through the entire circumstance in the light of the evidences adduced during the trial of this case. After minutely considering all the facts and circumstances of the case, it can be safely concluded that the prosecution side has failed to prove its case beyond all

reasonable doubts against the accused person. Hence, the accused is not found guilty of the offence U/S 365/342/506 of I.P.C.

15. Accordingly, the accused person is acquitted of the charge U/S 365/342/506 of I.P.C. and set at liberty forthwith. His bail bond stands extended for another six months under the spirit of section 437A of Cr. P. C.

16. The judgment is delivered and pronounced in the open court.

17. Given under my hand and seal of this court on the 30th day of January, 2020.

Typed as dictated

As dictated & corrected by me

Computer typist

C. Baruah, AJS
Addl. CJM, Morigaon

APPENDIX

Prosecution side has examined only one witness:-

PW1:- Sri Pranab Das @ Kaliram Hira (Informant)

Documents exhibited by prosecution side:-

Ext.-1 is the Ejahar and Ext.-1(1) is his own signature.

Typed as dictated

As dictated & corrected by me

Computer typist

C. Baruah, AJS
Addl. CJM, Morigaon