



**IN THE COURT OF
THE CHIEF JUDICIAL MAGISTRATE,
KAMRUP, AMINGAON**

Present : Devojayoti Bhuyan, AJS
Chief Judicial Magistrate,
Kamrup, Amingaon

(Date of Judgment)
04.08.2026

Case No. : **PRC No.14/2025**
Under Section : **279/338/427 of IPC**
Reference No. : **Palashbari PS Case No.198/2024**

INFORMANT	STATE OF ASSAM
REPRESENTED BY	NAME OF THE ADVOCATE Ms. Nabanita Borah, Learned Addl. P.P, for the state
ACCUSED PERSON	Mr. Madhab Mandal S/o Dhananjay Mandal Vill- Panikhaity PS- Chhaygaon Dist: Kamrup(Assam)
REPRESENTED BY	NAME OF ADVOCATE Mr. S.K. Bhattacharyya

Date of Offence	08.04.2024
Date of FIR	07.06.2024
Date of Charge-sheet	30.06.2024
Date of offence explanation	03.07.2025
Date of commencement of evidence	19.11.2025
Date on which judgment is reserved	
Date of Judgment	04.08.2026
Date of the Sentencing Order, if any	NIL

Accused Details:

Rank of Accused	Name of Accused	Date of Arrest	Date of Release on Bail	Offences charged with	Whether Acquitted or convicted	Sentence Imposed	Period of Detention Undergone during Trial for purpose of Sec.428 Cr.P.C.
A1	Mr. Madhab Mandal		22.05.2025	u/s 279/338/427 IPC	Acquitted	---	---

J U D G M E N T

The prosecution case:

1. The prosecution case arises out of an ejahar filed by one Mrs. Kiran Koibara alleging that on 08.04.2024 at 10.20 PM while her husband Tinku Das @ Tingaku Koibarta was going towards Bijaynagar from Rampur through NH-17 in a motorcycle bearing Regd. No.AS-25-U-4292, then one Hero Glamour motorcycle bearing Regd. No.AS-25LC-1791 coming in wrong side from opposite direction in rash and negligent manner dashed her husband near Pinbiz Dhaba, Bhagawatipara. As a result, her husband sustained grievous injuries. Her husband was taken to Mirza CHC and from there he was shifted to GMCH. The motorcycle of her husband got damaged due to the said dashing. Hence, the case.

2. Pursuant to the FIR, the case was registered as Palashbari PS Case No.198/2024 under Section 279/338/427 IPC.

3. The Investigating Officer (IO) investigated the case and on completion of investigation, finding materials against the accused person Mr. Madhba Mandal submitted charge-sheet against him under Sections 279/338/427 IPC.

Charge and Recording of Evidence:

4. Summons was issued to the accused person and he entered his appearance before the Court. Copies of the relevant documents were furnished to the accused person in accordance with Section 207 of the Cr.P.C. This court explained the particulars of offences

under Sections 279/338/427 IPC to the accused person to which he pleaded not guilty and claimed to be tried.

5. The prosecution to prove the guilt of the accused person adduced four (4) witnesses. After closure of the prosecution evidences the accused person was examined u/s 313 Cr.P.C wherein he declined to adduce evidence in his defence.

Points for Determination:

6. i) Whether the accused person on 08.04.2024 at about 10.20 PM at Bhagawatipara, drove his motorcycle bearing Regd. No.AS-25-L-1791 in a rash and negligent manner as to endanger human life and thereby committed an offence u/s 279 IPC?

ii) Whether the accused person on the same date, time and place caused grievous hurt by an act endangering life or personal safety by driving the aforesaid vehicle and thereby committed an offence u/s 338 IPC?

iii) Whether the accused person on the same date, time and place committed mischief by causing wrongful loss or damage to the motorcycle of the husband of the informant and thereby committed an offence u/s 427 IPC?

Discussion of evidence:

7. PW1, Mrs. Kiran Koibarta, the informant, in course of her examination stated that on the day of the accident while she was at her residence, she got an information that her husband had met

with an accident near Bijaynagar Pinbiz Dhaba. She then immediately rushed to the place of occurrence and saw that her husband was lying in senseless condition and thereafter she along with others took him to Mirza Hospital and from there he was shifted to GMCH. Thereafter, he again shifted to Prarthana Hospital. Her husband sustained injury on his leg. She came to know that while her husband was coming on his motorcycle along with Javed Ali from Chhaygaon towards Bijaynagar, he was dashed by another motorcycle. She did not know the registration numbers of both the motorcycles. Ext.P1/PW1 was the ejahar and Ext.P1(1) was her signature.

8. In the cross-examination PW1 stated that the FIR was drafted by one police person of Bijaynagar PP. There was no date mentioned in Ext.P1 i.e. in the FIR as seen by her. The FIR was lodged after few days of the accident. PW1 denied the suggestion that the FIR was lodged after two months on afterthought. Javed Ali who was the pillion rider did not inform her about the accident. PW1 denied the suggestion that she has stated falsely that when she had visited the place of occurrence on the day of accident her husband was unconscious. PW1 denied the suggestion that the accident was taken place due the fault of her husband and she has not seen the accident. She did not know how the accident took place.

9. PW2, Mr. Tinku Das, the victim, in course of his examination stated that on 08.04.2024 at around 9.30 PM to 10 PM the accident took place when he was coming towards Bijaynagar on

his bike along with his friend Javed Ali. When they reached near Bhagawatipara one bike coming from wrong side in the opposite direction suddenly hit his bike for which he fell on the ground and became senseless. He regained his senses and found himself at GMCH. He sustained injuries on his right face and right leg.

10. In the cross-examination PW2 stated that the offending vehicle first hit his motorcycle and him and thereafter he became senseless. Due to the dashing his motorcycle got damaged in front wheel assembly, the petrol tank, handle, the head lamp and one front right indicator light. Besides these no other damaged has been occurred in his motorcycle. He was wearing a full mask helmet while riding the motorcycle at the time of the accident. The pillion rider was not wearing helmet. The pillion rider also sustained injury on his chest. He was admitted in the hospital for about five days and thereafter he got discharged. He resides along with his wife, mother, and sister-in-law and one nephew. All of them are looking after him after discharge from hospital. His wife occasionally went outside for some domestic work. The registration number of his bike was AS-25-U-4292. PW2 denied the suggestion that he sustained injury for falling down due to his faulty driving. PW2 denied the suggestion that he has deposed falsely today.

11. PW3, Mr. Jitu Thakuria, in course of his examination stated that the accused was his employee. On the day of incident at 10 PM he was informed that the accused had met with an accident near Pinbiz Dhaba. He then went there and took him to Mirza PHC.

12. In the cross-examination PW3 stated that he did not know for whose fault the accident took place.

13. PW4, Mr. Kushal Kumar Das, in course of his examination stated that one day he went to the PS along with the informant to bring their bike. He came to know that the husband of the informant Tinku Das had met with an accident. He did not know how and when the accident took place. Police took his signature at the Bijaynagar Op when he went to PS. He did not know the contents of the said paper. Ext.P2/PW4 is the said paper and Ext.P2(1) is his signature.

14. The cross-examination of PW4 was declined by the defence side.

Decision and Reasons Thereof:

15. I have heard the arguments of the learned Addl. P.P. and the learned Defence Counsel and perused the case record.

16. Appreciating the evidence of PWs, it seems that PW1 and PW2 are the informant and victim. PW2 is the eye witness as well stated that the incident took place while he was proceeding in a motorcycle along with Javed Ali then suddenly the offending motorcycle came from the opposite in a wrong direction and dashed his motorcycle, due to which he fell down and became senseless.

17. Now, the main element of the alleged acts u/s 279/338/427 IPC is the act of rash and negligence on the part of the accused in the commission. Hence, in the context of the case it seems from the evidence adduced by the prosecution, there seems absence of

the materials to indicate rash and negligent driving by the accused. Further it seems that there appears no intent or knowledge on the part of the accused to cause unlawful loss or damage to the property of the victim. On the other hand, the victim stated that the offending motorcycle was coming from the opposite in a wrong direction and dashed his motorcycle. But at the same time the victim did not explain properly as to the part of negligence or rashness of the offending driver and also the prevailing geographical conditions of the road which has led to the commission of the offence. Further, there is no evidence available in the case record to substantiate the fact of the victim that the offending vehicle was coming in the wrong direction which has resulted the incident.

18. Thus, considering the fact that the prosecution has failed to bring forth the act of rash and negligence and any wrongful intention for causing damage to the property of the victim on the part of the accused in the commission without any shadow of doubts as such the points of determinations are decided in negative and the accused be deserved to be acquitted from the case.

19. In the end, it is hereby held that the prosecution has failed to prove its case against the accused person. Hence, the accused Mr. Madhba Mandal is acquitted of the offence under Sections 279/338/427 IPC and set at liberty forthwith.

20. The bail bond already executed shall remain in force for a period of next six (06) months in terms of Section 437-A Cr.P.C.

21. The seized articles, (if any) be given to the lawful owner as per law.

Given under my hand and seal of this Court on this the 4th day of August, 2026.

Dictated & corrected by me:

Chief Judicial Magistrate
Kamrup, Amingaon

C.J.M., Kamrup, Amingaon

LIST OF PROSECUTION/DEFENCE/COURT WITNESSES**A. Prosecution**

RANK	NAME	NATURE OF EVIDENCE
PW1	Mrs. Kiran Koibarta	Informant
PW2	Ms. Tinku Das	Victim
PW3	Mr. Jitu Thakuria	Other witness
PW4	Mr. Kushal Kr. Das	Other witness

B. Defence Witnesses, if any

RANK	NAME	NATURE OF EVIDENCE
NIL		

C. Court Witnesses, if any

RANK	NAME	NATURE OF EVIDENCE
NIL		

LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS

A. Prosecution

Sr. No.	Exhibit Number	Description
1	Ext.P1/PW1	Ejaha
2	Ext.P2/PW4	Seizure list

B. Defence

Sr. No.	Exhibit Number	Description
NIL		

C. Court Exhibits

Sr. No.	Exhibit Number	Description
NIL		

D. Material Objects

Sr. No.	Exhibit Number	Description
NIL		

Chief Judicial Magistrate
Kamrup, Amingaon