

Present: **A. J. BORAH**, AJS
Addl. Sessions Judge, Jorhat

Sessions Case 239 (JJ)/2022

16-02-23 Accused Rounak Dutta @ Rounak Dutta Saha is present.

Perused C/R. Heard both sides.

Bare perusal of FIR, charge-sheet and other connected documents do not reveal ingredients of offence u/s 307 IPC, as shown in charge-sheet, for the following reasons.

In attempt to murder cases (Section 307 IPC), the intention has to be ascertained from the weapon used, part of the body chosen for assault and the nature of the injury caused. The injury report, as is available in C/R, shows the victim sustained injury on his right knee, which injury is simple. The type of weapon is shown as RTA. Hairline fracture of metatarsal bone is also found mention in the injury report

In such premises, it is clear that the contents of FIR, even if taken to be true, does not disclose offence u/s 307 IPC.

Rather, I am of opinion that there is a ground for presuming that the accused above-named committed offence u/s 325 IPC. A formal charge u/s 325 IPC is framed, particulars read over to which the accused pleads not guilty and claims to be tried.

03-02-23
(contd/-)

As the offence u/s 325 IPC is triable by the Court of Any Magistrate, hence, the case is transferred to the Chief Judicial Magistrate, Jorhat for trial by himself or he may make it over to any other Judicial Magistrate First Class. It is ordered accordingly.

Accused shall appear before the learned Court of Chief Judicial Magistrate, Jorhat on **15-03-23**.

Inform all concerned.

Addl. Sessions Judge
Jorhat