



CASE NO. GR 1273/2021 (PRC 431/2021)

**IN THE COURT OF SUB DIVISIONAL JUDICIAL
MAGISTRATE, RANGIA, KAMRUP**

Present: SMTI. S. BHUYAN, SDJM(M), RANGIA, KAMRUP

(Date of Judgment: 14.08.2026)

(Case No. GR 1273/2021 (PRC 431/2021))

COMPLAINANT :	STATE OF ASSAM
REPRESENTED BY	Sri Prasenjit Bharadwaj
ACCUSED	1. Rupjyoti Deka (A1) S/O Khagen Deka R/O Bama P.S.-Baihata Chariali, Dist- Kamrup (Assam)
REPRESENTED BY	Sri Atiful Haque, Learned Counsel for the accused.

Date of Offence	07.02.2021
Date of FIR	11.07.2021

Date of Charge Sheet	31.07.2021
Date of Offence Explanation	30.04.2024
Date of commencement of evidence	02.07.2024
Date of which judgment is reserved	31.07.2026
Date of Judgment	14.08.2026
Date of the Sentencing Order, if any	

Accused Details:

Rank of the Accused	Name of Accused	Date of Arrest	Date Release on Bail	Offences charged with	Whether Acquitted or convicted	Sentence Imposed	Period Detention Undergone during trial
A-1	Rupjyoti Deka	NIL	15.03.2024	279/304 A IPC	Acquitted	-----	-----

JUDGMENT

BRIEF FACTS OF THE PROSECUTION CASE

1. The genesis of this case has its roots with the lodging of the First Information Report (in short as the FIR) whereby the informant has alleged that on 07.02.2021 at about 7:30 PM on the PWD road Dekabari near Dirgheswari Mandir under Baihata Chariali P.S.,

Kamrup his son Kailash Deka was knocked down by a Super Splender bike bearing registration no. AS-25-K-1294 as the same was ridden in a rash and negligent manner which caused grievous injuries on the victim who succumbed to his injuries on 12.02.2021 during his treatment. Hence the case.

INVESTIGATION

2. On the basis of aforesaid FIR, police registered a case against the accused person as Baihata Chariali PS Case No. 317/2021 under section 279/304A of Indian Penal Code (Herein after referred to as IPC). Police investigated the case and on completion of investigation submitted charge-sheet against the accused person under section 279/304A IPC.

APPEARANCE OF THE ACCUSED PERSON

3. On appearance of the accused person in Court, copies of relevant documents u/s 173 Cr.P.C was furnished to him in compliance with section 207 of Cr.P.C. The particulars of the offence u/s. 279/304(A) IPC were read over and explained to the accused person to which he pleaded not guilty and claimed to be tried.

WITNESS EXAMINED AND DOCUMENTS EXHIBITED

4. The prosecution has examined two witnesses and has exhibited one document.

EXAMINATION OF THE ACCUSED PERSON U/S 313 Cr.P.C.

5. At the close of the prosecution evidence, examination of the accused person U/S 313 of the Cr.P.C. has been dispensed with as no incriminating circumstances appeared against him. Heard arguments of both sides.

POINTS FOR DETERMINATION:

- (i) Whether the accused person on 07.02.2021 at about 7:30 PM, on the PWD road Dekabari near Dirgheswari Mandir under Baihata Chariali P.S., Kamrup, which is a public way, rode the offending bike bearing registration no. AS-25-K-1294 on the said public way 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 offence punishable under section 279 IPC?
- (ii) Whether the accused person on the same date, time and place, caused the death of the son of the informant Kailash Deka by doing any rash or negligent act not amounting to culpable homicide and thereby committed an offence punishable under section 304(A) IPC?

DISCUSSION, DECISION AND REASONS THEREOF

6. In the course of the evidence adduced by the prosecution, it emerged that the informant of the case Madan Deka/PW1 has

deposed that he is the informant. He does not know the accused. The incident occurred on 07.02.2021 at about 7:00 PM. At that time his son Kailash Deka met with an accident and thereafter he lodged the ejahar of this case. The accident took place at Lenga Deka para and after the accident he was taken to the GMCH and he succumbed to his injuries after 4 days. Ext-P1/PW1 is the ejahar. Ext-P1(1)/PW1 is her signature.

7. In his cross examination he has stated that he did not see the incident. He denied that he has stated falsely that the accident took place at Lenga Deka para. He has received compensation as per insurance claim.
8. PW2 Gopal Chandra Rajbangshi deposed that he does not know the informant and the accused. The incident occurred about 2/3 years ago. There was an accident. He does not know anything else. His cross examination was declined by defence.
9. Both the points for determination are decided together as they are connected.
10. The above are the prosecution evidences. Although it has been alleged by the informant that his son met with an accident due to the fault of the rider of the offending bike, however in his evidence he did not depose anything regarding the rash and negligent riding of the offending vehicle by the accused. He did not implicate the accused. In fact in his cross examination he admitted that he did not see the accident. The other PW has also not implicated the rider or the accused of this case. None of the PWs have seen the

incident. Considering the above, I find and hold that the prosecution has miserably failed to prove any offence against the accused person under any section of law and as such the accused person is found not guilty. The points for determination formulated above are answered in negative.

ORDER

Accordingly, the accused person Rupjyoti Deka is acquitted of the charge under section 279/304A IPC and set at liberty forthwith.

The bail bond for the accused person shall be in force for further period of six months in light of section 437-A CrPC.

The zimma of the seized articles are hereby made absolute.

The judgment is delivered and operative part of the judgment is pronounced by me in the open Court today.

Accordingly the case is disposed of on contest.

Given under my hand and seal of this court on this the 14th day of August, 2026.

(SMTI. S. BHUYAN)

Sub-Divisional Judicial Magistrate, Rangia, Kamrup

APPENDIX

LIST OF PROSECUTION/ DEFENCE/ COURT WITNESSES

A. Prosecution:

RANK	NAME	NATURE OF EVIDENCE
PW1	Madan Deka	Informant
PW2	Gopal Chandra Rajbangshi	Oral

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	Ejhar
2.	Ext-P1(1)/PW1	Signature of PW1

B. Defence:

Sr.	Exhibit Number	Description
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No.		
1.	-----	-----

C. Court Exhibits:

Sr. No.	Exhibit Number	Description
1.	-----	

D. Material Objects:

Sr. No.	Exhibit Number	Description
1.	-----	

(SMTI. S. BHUYAN)

Sub-Divisional Judicial Magistrate, Rangia, Kamrup