

ASSN060001552024



IN THE COURT OF CHIEF JUDICIAL MAGISTRATE, BISWANATH

Present : Smt. Munmee Neog,

Date of judgment: 13.08.2026

Case No. P.R.C 98/2024

Under Sections 279/304 A of I.P.C

Biswanath Chariali Police Station Case No. 31/2024

Registered Under Sections 279/304 A of I.P.C

Munmee Neog
13/08/2026
Chief Judicial Magistrate
Biswanath

COMPLAINANT:	STATE OF ASSAM
REPRESENTED BY	Smti S. Borah, Addl. Public Prosecutor
ACCUSED	1. Sri Prabhat Mahar (A1) Son of Mr. Montu Mahar Resident of: Village: Bihapukhuri P.S: Gingia District: Biswanath, Assam
REPRESENTED BY	Mr. P.P. Borah, learned advocate

Date of offence	10.02.2024
Date of F.I.R	13.02.2024



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Date of charge sheet	28.02.2024
Date of offence explanation	28.08.2024
Date of commencement of evidence	30.09.2024
Date on which judgment is reserved	Nil
Date of Judgment	13.08.2026
Date of the sentencing order, if any	Does not arise

Accused details

Rank of the 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	Sri Prabhat Mahar	Not arrested	Does not arise	Sections 279/304 A of I.P.C	Acquitted from all offences	Does not arise	Does not arise

J U D G M E N T

Prosecution Case:

- On 10.02.2024 at around 7:00 p.m. Bidyadhar Uriya (hereinafter also be referred to as 'victim' or 'deceased victim', father of PW4, was standing by the side of the road. At that time a vehicle (motorcycle bearing registration No.AS-32/B-2732, which was driven by it's driver negligently and also at a



high speed and who was also in drunken condition hit the victim. As a result of same the victim sustained grievous injuries and though he was immediately sent to Biswanath Chariali Civil Hospital, the doctor declared him dead.

Proceeding:

2. With regard to aforesaid facts PW4 lodged Exhibit P-3/PW4 before, Biswanath Chariali Police Station, which was registered and was investigated as Biswanath Chariali Police Station Case No. 31/2024, under Sections 279/304-A of IPC. On completion of investigation the Investigating Officer laid charge-sheet under Sections 279/304A of I.P.C against A1.
3. On appearance of A1 before court he was granted bail and copy under Section 207 of Cr.P.C was furnished to him. Particulars of offences under Sections 279/304A of I.P.C were explained to A1, in reply to which he pleaded not guilty and claimed trial.
4. The prosecution side examined total four numbers of listed witnesses, which included the informant (PW4). Prosecution has declined to examine the Investigating Officer considering evidence of witnesses it examined.
5. Finding no incriminating material against A1 recording of his statement under Section 313 of Cr.P.C is dispensed with.

Points for determination:

6. Whether on 10.02.2024 at around 7:00 p.m. near Pavoi T. E Bazar, under Biswanath Chariali Police Station, A1 drove a motorcycle, bearing Registration No. AS-32/B-2731 so rashly or negligently that same endangered life of victim, Bidyadhar

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Uriya, or, which was likely to cause hurt or injury to any other person and thereby he committed offence under Section 279 of I.P.C ?

7. Whether on 10.02.2024 at around 7:00 p.m. near Pavoi T. E Bazar, under Biswanath Chariali Police Station, A1 drove a motorcycle, bearing Registration No. AS-32/B-2731 rashly or negligently, which though did not amount to culpable homicide, caused death of one, Bidyadhar Uriya, father of PW1, and thereby he committed offence under Section 304 A of I.P.C ?

Discussion, decisions and reasons thereof:

8. Now, let us analyze the evidences and materials on record keeping in view the aforesaid points for determination.
9. In this case Exhibit P-1/PW1 was lodged by PW1 with allegations that an accident had taken place near Pavoi Panch ali due to negligent as well as rash driving of a vehicle bearing registration No.AS-32/B-2731 (motorcycle) by the driver of the same, alleging further that as a result of which same hit his father, who also died. He very well in his evidence also has claimed that the motorcycle rider was under influence of alcohol and he by driving the vehicle at high speed caused the accident, however, in my opinion, his evidence no manner could incriminate A1 as he never has alleged that A1 is the said motorcycle-rider, who was riding the alleged offending motorcycle at the relevant time. His evidence appears to be totally hearsay as he admittedly did not witness the accident and only heard from others that rider was driving the vehicle at high speed and hit his father.



10. PW1 has claimed that A1 was the person, who by driving a vehicle hit the alleged victim of this case, but, his evidence is hearsay only as admittedly he did not witness the alleged occurrence. He also has failed to incriminate A1 with the offences alleged as he never had claimed that A1 was driving the vehicle at relevant time either, rashly, or negligently, which is the prime ingredient of offences alleged.
11. Evidence of PW2 and PW3 also has failed to support prosecution version in any manner as admittedly none of them had witnessed the accident alleged and they also have shown ignorance as to for whose fault the alleged accident took place.
12. Based on foregoing discussion, thus, it appears to me that the prosecution has failed to attribute any element of rashness or negligence in driving of A1 to prove his alleged guilt. It also appears that there is no sufficient material to establish the fact that A1 was driving the alleged offending vehicle on date of incident alleged. In the result, I find and hold that the prosecution has failed to prove commission of offences under Sections 279/304A of I.P.C. by A1 beyond all reasonable doubt. I find A1 not guilty and acquit him forthwith.
13. The bail bond furnished on behalf of A1 shall remain valid for a period of six months from today.
14. Seized article, if any, be disposed of in due course of law as per procedure of law.
15. Given under my hand and seal of this court on this 13th day of August, 2026, at, Biswanath.

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Biswanath

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

RANK	NAME	NATURE OF EVIDENCE
PW1	Sri Tapan Mahar	Hearsay evidence/Seizure witness
PW2	Sri Sanjib Das	Hearsay evidence
PW3	Sri Sanatan Orang	Bail bond
PW4	Sri Sontosh Uria	Informant/hearsay evidence

B. Defence Witnesses, if any:

RANK	NAME	NATURE OF EVIDENCE
	NIL	

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C. Court Witnesses, if any:

RANK	NAME	NATURE OF EVIDENCE
	NIL	

LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS**A. Prosecution:**

Sl. No.	Exhibit Number	Description
1	Exhibit P-1/PW1	F.I.R with signature of PW1
2.	Exhibit P-2/PW3	Bail bond with signature of PW3
3.	Exhibit P-3/PW4	FIR with signature of PW4

B. Defence:

Sl. No.	Exhibit Number	Description
	NIL	

C. Court Exhibits:

Sl. No.	Exhibit Number	Description
	NIL	

D. Material Objects:

Sl. No.	Exhibit Number	Description
	NIL	



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