

ASLK030036592022

**APPENDIX-12**

**IN THE COURT OF JUDICIAL MAGISTRATE 1ST CLASS
LAKHIMPUR, NORTH LAKHIMPUR**

**Present: Smti Anjali Doley, A.J.S
Judicial Magistrate 1st Class,
Lakhimpur, North Lakhimpur, Assam**

**(Date of Judgment: 03-07-2025)
(PRC No.1163 of 2022)
North Lakhimpur P.S. Case No.428/2022
Under section 279/304-A IPC**

INFORMANT	STATE OF ASSAM
REPRESENTED BY	Sri Debojit Dutta Borah, A.P.P.
ACCUSED	1. Sri Bhabesh Saikia (A-1) S/O: Tankeswar Saikia R/O: Hatilung P/S: North Lakhimpur District-Lakhimpur.
REPRESENTED BY	Sri Pranjal Kakati, Advocate

G.R Case No. 903/2022

APPENDIX-13

Date of offence	14/06/2022
Date of FIR	15/06/2022
Date of filing Charge Sheet	26/08/2022
Date of Framing of Charges/offence explanation	13/06/2025
Date of commencement of evidence	03.07.2025
Date on which judgment is reserved/argument	NIL
Date of Judgment	03.07.2025
Date of the Sentencing Order, if any	Does not arise

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 of Detention Undergone during Trial for purpose of Sec. 428 Cr.P.C.
A1	Bhabesh Saikia	Not arrested	25-04-24	279/304-A IPC	Acquitted	Does not arise	NIL

J U D G M E N T

PROSECUTION'S CASE IN BRIEF:

1. The accused person, **Sri Bhabesh Saikia** has stood in trial for offences punishable under section **279/304(A)** of the Indian Penal Code (hereinafter called IPC).

2. The case of the prosecution in brief is that the informant, namely, Smti. Ankita Saikia, lodged an ejahar before the Officer-in-Charge, North Lakhimpur Police Station alleging inter alia that on 14.06.2022, at about 7:00 AM, while her father Sri Bhabesh Saikia and her deceased mother Junti Saikia were returning home by a New Himalayan motor-cycle, her deceased mother was sitting as a pillion rider. Her father seeing a bicycle rider which was coming from the opposite direction, lost control and her mother fell down on the right side from the motor-cycle, in front of Numal Das Hospital, North Lakhimpur. As a result, her mother sustained severe injuries and she was taken to Lakhimpur Medical College & Hospital for treatment. Thereafter, she was referred to Dibrugarh for better medical treatment. But, unfortunately, her mother succumbed to her injuries on the next day at about 2:15 AM.

3. On receipt of the Ejahar, the same was registered as North Lakhimpur PS Case no. 428/2022 u/s 279/304-A of the IPC and got the investigation into the case commenced. The concerned investigating officer, after completing the investigation, submitted charge-sheet u/s 279/304-A of the Indian Penal Code against the accused person namely **Sri Bhabesh Saikia** to stand trial in the Court.

4. On appearance of the accused person, copies were furnished to him as per section 207 Code of Criminal Procedure (hereinafter called CrPC). After considering the materials on record, particulars of offences u/s 279/304-A of the IPC was read over and explained to the accused person to which he pleaded not guilty and claimed to be tried.

5. In the course of the trial, the prosecution has examined 03 (three) witnesses including the informant. The statement of the accused person under section 313 of the CrPC was recorded. The defence case is of total denial and they declined to adduce any evidence.

6. I have heard the respective arguments of both sides and perused the evidence on record.

POINTS FOR DETERMINATION:

7. The point which is required to be determined for a just decision of this case is as follow:

I. Whether the accused person, on 14.06.2022, at around 7:00 AM, at Nakari, in front of Numal Das Hospital, drove his motor-cycle in a public way in a manner so rashly and negligently as to endanger human life or to be likely to cause hurt to the victim/deceased Junti Saikia and thereby committed offence punishable U/s. 279 I.P.C?

II. Whether the accused person, on 14.06.2022, at around 7:00 AM, at Nakari, in front of Numal Das Hospital, caused the death by doing an act to the deceased Junti Saikia i.e by driving his motor-cycle which was rash and negligent not amounting to culpable homicide and thereby committed offence punishable U/s. 304-A I.P.C?

Discussion, Decision and Reasons thereof:-

To establish the culpability of the accused person, the prosecution side has examined 03 (three) witnesses. Revering to the case in hand, let me see if the evidence of the PWs are reliable enough to discard the need for corroboration.

8. The informant, **Smti. Ankita Saikia** being PW-1 had exhibited the Exhibit P-1/PW-1 as the ejahar which she

had lodged. She has stated in his evidence that the accused is his father and at the time of incident, she was at home. She deposed that on 14.06.2022 during the morning hours, while her parents were returning home by riding a motor-cycle, the accused to save a bicycle rider, lost control and her mother Junti Saikia fell down from the motor-cycle at Nakari near Numal Das Hospital. As a result, she sustained grievous injuries on the back side of her head. The accused took her mother to Lakhimpur Medical College & Hospital. As the injuries were grievous, her mother was referred to AMCH but she succumbed to her injuries on the next day of the incident. After few days, she had lodged an ejahar at North Lakhimpur P.S regarding the incident. Police recorded her statement.

Cross-examination of PW-1 was declined.

9. Sri Sidhartha Pratim Dutta as PW-2 has stated in his evidence that the accused is his father-in-law and at the time of incident he was at his work place. On the date of incident, while his parents-in-law were returning home by riding a motor-cycle, the accused to save a bicycle rider, lost control and his mother-in-law Junti Saikia fell down from the motor-cycle at Nakari near Numal Das Hospital. As a result, she sustained grievous injuries on the back side of her head. The accused took his mother-in-law to

Lakhimpur Medical College & Hospital. As the injuries were grievous, his mother-in-law was referred to AMCH but she succumbed to her injuries in Dibrugarh on the next day of the incident. Police recorded his statement.

His cross-examination was also declined.

10. Sri Raja Chutia being PW-3 has stated in his evidence that at the time of incident, he was at home. He deposed that on 14.06.2022, during the morning hours, while the deceased Junti Saikia and the accused were returning home by riding a motor-cycle, the accused to save a bicycle rider, lost control and Junti Saikia fell down from the motor-cycle at Nakari. As a result, she sustained grievous injuries on the back side of her head. The accused took the deceased to Lakhimpur Medical College & Hospital. As the injuries were grievous, Junti Saikia was referred to AMCH for better treatment but she succumbed to her injuries in Dibrugarh on the next day of the incident. Police recorded his statement. Police had seized the offending motor-cycle, which he had identified as Exhibit P-2/PW-3 as the seizure list.

Cross-examination of PW-3 was also declined.

13. Now, these are the evidences of PWs led by the prosecution side in support of its case. Now let me go

through the evidence of PWs to ascertain as to whether the prosecution has been able to prove its case or not.

As stated above, in FIR it is alleged that on 16.06.2022 during morning hours, while the parents of the informant were returning home by riding motor-cycle, the accused to save a bicycle rider, lost control and the pillion rider Junti Saikia fell down from the motor-cycle. As a result she sustained grievous injuries on the back of her head. The accused took her to Lakhimpur Medical College & Hospital but as her injuries were grievous so she was referred to Dibrugarh. But on the next day of the incident she succumbed to her injuries. On careful scanning of evidence of the informant being as PW1 and the evidences of the other PWs it appears that the informant as well as the PWs have deposed same statements in their evidences as like the statements recorded in the ejahar. But none of them have stated in their evidences that they had witnessed the incident in their own eyes. Though the accused person was the rider of the offending motor-cycle but none of the PWs have able to prove that because of rash and negligent driving of the accused the accident took place. Rather, the informant as well as all the other PWs have deposed in their evidences that to save a bicycle rider the accused lost control and the pillion

rider Junti Saikia fell down and sustained injuries. Even none of the PWs have mentioned a single word in their evidences that the accident was taken place due to fault of the accused person. Nothing incriminatory material is found in the evidence of the informant as well as the evidences of the other PWs. Hence, from the above evidences of the informant as well as the other PWs, it has been crystal clear that nothing was stated by the informant as well as the other PWs which implicating the accused person. Thus, failed to bring home the guilt of the accused person namely Sri Bhabesh Saikia in this case U/S-279/304-A of IPC.

14. In view of the above facts and circumstances, this Court comes to the conclusion that the prosecution has failed to establish the case u/s-279/304-A IPC against the accused person namely Sri Bhabesh Saikia beyond all reasonable doubt. Accordingly, the accused person namely **Sri Bhabesh Saikia (A-1)** is found not guilty of the offence charged against him and he is acquitted.

ORDER

Hence considering the above discussions, the accused **Sri Bhabesh Saikia (A-1)** is not found **guilty of offence U/S. 279/304-A of the IPC and set at liberty forthwith.**

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16. Bail-bond furnished on behalf of the accused person shall remain in force for a further period of six months.

17. The case is disposed of on contest accordingly.

The judgment is delivered and operative part of the same is pronounced in the open court on this 3rd day of July, 2025.

Certified that the Judgment is typed and corrected by me and each page bears my signature.

(Smti. Anjali Doley)
Judicial Magistrate First Class
Lakhimpur, North Lakhimpur.

APPENDIX - 14**LIST OF PROSECUTION/DEFENCE/COURT WITNESSES****A. Prosecution:**

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESSES, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
PW1	Smti. Ankita Saikia	Informant
PW2	Sri Siddhartha Pratim Dutta	Other witness
PW3	Sri Raja Chutia	Other witness

B. Defence Witnesses, if any:

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESSES, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
DW1	Nil	Nil

C. Court Witnesses, if any:

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESSES, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
CW1	NIL	NIL

LIST OF PROSECUTION/ DEFENCE/ COURT EXHIBITS

A. Prosecution:

Sr. No.	Exhibit Number	Description
1	Exhibit P-1/PW1	Ejahaar.
2	Exhibit P-1(1)/PW1	Signature of PW1(informant)
3	Exhibit P-2/PW-3	Seizure list.
4	Exhibit P-2(1)/PW3	Signature of PW3

B. Defence:

Sr. No.	Exhibit Number	Description
1	Exhibit D-1/DW-1	Nil

C. Court Exhibits:

Sr. No.	Exhibit Number	Description
1	Exhibit C-1/CW-1	Nil

D. Material Objects:

Sr. No.	Exhibit Number	Description
1	MO1	Nil

(Smti. Anjali Doley)
Judicial Magistrate FirstClass
Lakhimpur, North Lakhimpur.

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