

APPENDIX – 12

IN THE COURT OF THE CHIEF JUDICIAL MAGISTRATE, DHEMAJI :: :: ASSAM

Present:- P.A. Choudhury
Chief Judicial Magistrate
Dhemaji

(Date of Judgment : 10.01.2023)

(PRC No. 718 of 2022)

(FIR No. GMK P.S. Case No. 94 of 2022
Police Station : Gogamukh)

COMPLAINANT	SMTI SONIA PEGU SAIKIA
REPRESENTED BY	SRI S. DEORI, A.P.P.
ACCUSED	SRI ABHIJIT DOLEY @ BASA S/o Sri Gombhiram Doley R/o Vill. Dadhing Sonali Pather P.S. Ghilamara & Dist. Lakhimpur, Assam
REPRESENTED BY	SRI K.K. DOLEY, ADVOCATE

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Date of Offence	04.09.2022
Date of FIR	05.09.2022
Date of Charge-Sheet	10.09.2022
Date of Framing of Charge	10.01.2023
Date of commencement of Evidence	10.01.2023
Date on which Judgment is reserved	10.01.2023
Date of Judgment	10.01.2023
Date of the Sentencing Order, if any	Nil



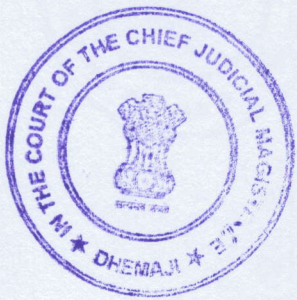
ACCUSED DETAILS

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.
1.	Sri Abhijit Doley @ Basa	Nil	21.11.2022	u/s. 341/352/ 323/506 IPC	Acquitted	Nil	Nil

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J U D G M E N T

1. The prosecution case, in brief, is that on 05.09.2022, the complainant, Smti Sonia Pegu Saikia lodged a written ejahar before the Officer-in-Charge, Gogamukh P.S. alleging inter-alia that on 04.09.2022 at about 4:00 p.m., while her husband, viz. Ranjit Saikia was in his shop at Gogamukh Chariali, at that time, about six persons under the leadership of accused came there and without any reason, they attempted to strangulate her husband. However, her brother-in-law, viz. Parma Doley, who was also present there, rescued her husband.
2. On receipt of the ejahar, Gogamukh P.S. Case No. 94 of 2022, u/s. 341/352/506/34 I.P.C. was registered and investigated into. On completion of investigation, the Investigating Officer of the case submitted the charge-sheet against the accused Abhijit Doley @ Basa, u/s. 341/352/323/506 I.P.C.
3. In pursuant to Court processes, the aforesaid accused appeared before the Court and was allowed to go on bail. Copy was furnished to him. The particulars of offences u/s. 341/352/323/506 I.P.C. were explained to him, to which he pleaded not guilty and claimed to be tried. Prosecution side examined 2PWs, i.e. the complainant and the victim



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of this case. Examination of the accused u/s. 313 Cr.P.C. was dispensed with, as no incriminating materials came out against him during evidence. The plea of the accused person was of total denial.

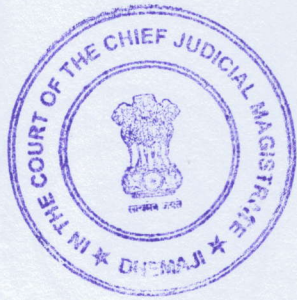
4. I have gone through the evidence carefully, perused the case record and heard the argument of both sides.

POINTS FOR DETERMINATION:

- (i) Whether on 04.09.2022 at about 4:00 p.m., the accused wrongfully restrained the husband of the complainant at Gogamukh Chariali?
- (ii) Whether on the same date, time and place, the accused used criminal force upon the husband of the complainant?
- (iii) Whether on the same date, time and place, the accused voluntarily caused simple hurt to the victim?
- (iv) Whether on the same date, time and place, the accused criminally intimidated the victim?

DISCUSSION, DECISION AND REASON THEREOF:

5. PW1, Smti Sonia Pegu Saikia is the complainant of this case. She deposed in her evidence that the incident took place about 2/3 months ago at



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incident, there was a quarrel between her, her husband and the accused. Later on, out of anger, she lodged an ejahar against him vide Ext.P-1/PW1, wherein Ext.P-1(1)/PW1 is her signature.

6. During cross-examination, PW1 admitted that the case was lodged out of misunderstanding. She also admitted that she has no allegation against the accused. She further admitted that she is not willing to proceed with this case.

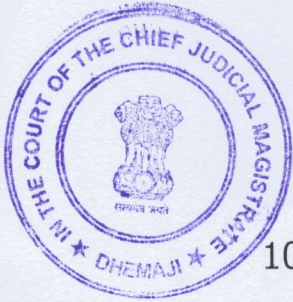
7. PW2, Sri Ranjit Saikia is the victim of this case. He deposed in his evidence that the incident took place about 2/3 months ago at Gogamukh Chariali at about 2:00 p.m. At the time of incident, there was a quarrel between him, his wife and the accused. Later on, out of anger, his wife lodged an ejahar against the accused.

8. PW2, in his cross-examination admitted that the case was lodged out of misunderstanding. He also admitted that he has no allegation against the accused and he is not willing to proceed with this case.

9. Thus, from the ongoing discussion, it is quite clear that the prosecution has failed to prove the charge of offences u/s. 341/352/323/506 I.P.C. against the



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accused Sri Abhijit Doley @ Basa. Both PW1 and PW2 admitted in their cross-examinations that the case was lodged out of misunderstanding. They also admitted that they have no allegation against the accused and they are not willing to proceed with this case. As such, the accused is acquitted from the aforesaid charges and set at liberty.

10. Bail-bonds shall remain in force for a period of six months from the date of this order.
11. Judgment is pronounced in the open Court.

Given under my hand and seal of this Court on this the **10th** day of **January, 2023**.

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(P. A. Choudhury)
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LIST OF PROSECUTION/DEFENCE/COURT WITNESSES

A. Prosecution:

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
PW1	Smti Sonia Pegu Saikia	Eye Witness
PW2	Sri Ranjit Saikia	Eye Witness

B. Defence Witnesses, if any:

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

C. Court Witnesses, if any:

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

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LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS

A. Prosecution:

Sr. No.	Exhibit Number	Description
1.	Ext.P-1/PW1	Ejahar

B. Defence:

Sr. No.	Exhibit Number	Description
	Nil	Nil

C. Court Exhibits:

Sr. No.	Exhibit Number	Description
	Nil	Nil

D. Material Objects:

Sr. No.	Exhibit Number	Description
	Nil	Nil



B. A. Choudhury
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Chief Judicial Magistrate
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