

ORDER-SHEET FOR MAGISTRATE'S RECORDS

DISTRICT: Jorhat

IN THE COURT OF JUDICIAL MAGISTRATE FIRST CLASS, JORHAT

Present: Shri Bhaskar Das, A.J.S.

CR (MV) Case No. 4367/2022

State –vs- Bitupan Borah

DATE	ORDER	SIGNATURE
30.03.2023	Accused person namely Bitupan Borah is absent. In this case, Ld. A.P.P has submitted petition no. 1177/23 under section 321 of Cr.P.C for withdrawal of this case. In the petition, Ld. A.P.P stated that Government of Assam vide its notification No. E-217405/52 dated 21.10.2022 and Authority letter being No. ECF No. 217405/2022/67 dated Dispur the 9th December, 2022 authorized Ld. A.P.P to file this petition. It is further stated in the petition that the instant case is covered by the above referred notification and does not fall in any of the exceptions mentioned in the notification. Learned APP has independently assessed the materials available in the case record and is of the considered opinion that the withdrawal of the case is in the interest of the society at large. Ld. A.P.P further prayed to give consent to withdraw this case with all charges/offences against the accused person and to dispose of this case in accordance with	Contd..

Contd.. 30.03.2023	the provision laid down in the section 321 of Cr.P.C. I have heard learned A.P.P I have perused the petition and the case record. This case is proceeding for alleged offence punishable under section 194-D/181 of MV Act wherein punishment is not more than 3 years and in this case offence report was submitted before 14.08.2022. Considering the prayer of Ld. A.P.P and after hearing his oral submission, I find that application is properly made and there is independent consideration of the materials on record by Ld. A.P.P and he appears to be acted in good faith and that the petition is filed bona fide in the interest of the society at large. Hence, for better advancement of public interest and justice, consent is given to the withdrawal of this case against the accused person namely Bitupan Borah in respect of offence punishable under section 194-D/181 of MV Act. Accordingly, petition no. 1177/2023 of Ld. A.P.P is allowed. As this case is proceeding under summons procedure case where no charge is required, hence accused person namely Bitupan Borah is acquitted in respect of offence punishable under section 194-D/181 of MV Act and is set at liberty. Accordingly, the case is disposed of on withdrawal from prosecution. Let the Process of Court (i.e., Summons / BWA) pending for service to accused/ any other individual, before the concerned Police Station, if any, be recalled	Contd..
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Contd.. 30.03.2023	since this case has already been allowed to be withdrawn. Send a copy of this order to the concerned police station for information and necessary action. Let the case record be sent to record room after due compliance.	JMFC Jorhat
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