

C.R 715/2015

Order dated 14.01.2016

Today is fixed for S.A.

The complainant is present along with one witness. The case is made over by Ld. ACJM, Lalbagh to this Court in order to dispose of this case as per the provision under Section 192 (1) Cr. P.C. The complainant is examined on oath U/S 200 Cr. P.C. The witness is also examined. Perused the statement of witness and the complainant.

Considered.

That the complainant has made allegation against the three accused persons to the effect that on 28.07.2015 at about 7 pm she along with her husband went to her father's house. Out of previous enmity, the three accused persons suddenly attacked upon the complainant and used abusive languages towards her. After being objected, all the accused persons started assaulting the complainant by fists and blows and by pulling her hair and took gold chain of her. It is further alleged that when the husband of the complainant namely Jarman Sk came to rescue her then all of the accused persons assaulted him by sticks, fists and blows and due to such assault said Jarman Sk sustained injury on his persons and was medically treated in Lalbagh hospital. Perused the statement of the witness and the complainant and it appears that the testimony of the witness has corroborated the statement of the complainant.

At the very outset it is to be mentioned that there is no petition made by the complainant in order to recover the stolen property. Hence, the allegation of theft is questionable. In order to substantiate the contention of injury over the person of Jarman Sk one discharge certificate issued by Lalbagh hospital has been filed. From that photocopy of document it appears that Jarman Sk was admitted in hospital for only one day and there is no report of grievous injury on his person. However, from that document the allegation of physical assault has been found. Considering the aforesaid discussion this court is of the opinion that there is sufficient ground for proceeding against the accused persons for commission of offence punishable under Section 323/506 of IPC.

Issue summons accordingly.

Fix 28-04-2016 for S.R.

D/C by me

Judicial Magistrate
Additional Court
Lalbagh, Murshidabad

Judicial Magistrate
Additional Court
Lalbagh, Murshidabad