

APPENDIX

IN THE COURT OF CHIEF JUDICIAL MAGISTRATE, BAKSA, MUSHALPUR Present : Smti. Dimple Boro, CJM. Date of Judgment: 13-12-2022 Case No. : PRC-328/21 Barama PS Case No. : 93/2020 U/s : 147/427/506 IPC	
Complainant	State of Assam
Represented by	Mr. Ranjit Basumatary , APP.
Accused	<ol style="list-style-type: none"> 1. Mantu Dewry, S/o: Mati Dewry, Vill: Bhogpur (Naktipara), PS: Barama, Dist.: Baksa. (A-1) 2. Amulya Dewry, S/o: Dhaneswar Dewry, Vill: Bhogpur (Naktipara), PS: Barama, Dist.: Baksa. (A-2) 3. Nabajit Boro, S/o: Purna Boro, Vill: Barama (Mahkhuli), PS: Barama, Dist.: Baksa. (A-3) 4. Dharani Boro, S/o: Lt. Hari Boro, Vill: Mahkhuli, PS: Barama, Dist.: Baksa. (A-4) 5. Prabin Ramchiary, S/o: Lt. Kala Ram Ramchiary, Vill: No.2 Kaljar, PS: Barama, Dist.: Baksa. (A-5) 6. Birsing Swargiary, S/o: Kamaleswar Swargiary, Vill: Bhogpur, PS: Barama, Dist.: Baksa. (A-6) 7. Dipen Kr. Ramchiary, S/o: Lt. nanu Ramchiary, Vill: Mathatuli, PS: Barama, Dist.: Baksa. (A-7) 8. Sundar Kr. Basumatary, S/o: Lt.

	Phukan Basumatary, Vill: Mathathuli, PS: Barama, Dist.: Baksa. (A-8) 9. Dipak Ramchiary, S/o: Pradip Ramchiary, Vill: Alagjar, PS: Barama, Dist.: Baksa. (A-9)
Represented by	Adv. Nirmal Rajbongshi
Date of Offence	31-10-2020
Date of FIR	31-10-2020
Date of Charge Sheet	24-02-2021
Date of Framing of Charge	06-06-2022
Date of commencement of evidence	11-07-2022
Date on which judgment is reserved	NA
Date of Judgment	13-12-2022
Date of the Sentencing Order, if any	NA

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.PC.
A-1	Mantu Dewry	NA	25-05-2022-2022	U/S-147/42 7/506 IPC	Acquitted	NA	NA
A-2	Amulya Dewry	NA	25-05-2022-2022	U/S-147/42 7/506 IPC	Acquitted	NA	NA
A-3	Nabajit Boro	NA	25-05-2022-2022	U/S-147/42 7/506 IPC	Acquitted	NA	NA
A-4	Dharani Boro	NA	25-05-2022-2022	U/S-147/42 7/506 IPC	Acquitted	NA	NA

A-5	Prabin Ramchiary	NA	25-05- 2022- 2022	U/S- 147/42 7/506 IPC	Acquitted	NA	NA
A-6	Birsing Swargiary	NA	25-05- 2022- 2022	U/S- 147/42 7/506 IPC	Acquitted	NA	NA
A-7	Dipen Kr. Ramchiary	NA	25-05- 2022- 2022	U/S- 147/42 7/506 IPC	Acquitted	NA	NA
A-8	Sundar Kr. Basumatary	NA	25-05- 2022- 2022	U/S- 147/42 7/506 IPC	Acquitted	NA	NA
A-9	Dipak Ramchiary	NA	25-05- 2022- 2022	U/S- 147/42 7/506 IPC	Acquitted	NA	NA

APPENDIX

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	Tunu Ch. Boro	Informant
PW2	Ansuma Boro	Informant

B. Defence Witnesses, if any : NIL

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
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C. Court Witnesses, if any : NIL

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
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LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS

A. Prosecution: NIL

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

B. Defence: NIL

Sr. No.	Exhibit Number	Description
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C. Court Exhibits: NIL

Sr. No.	Exhibit Number	Description
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D. Material Objects: NIL

Sr. No.	Exhibit Number	Description
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J U D G M E N T

1. The prosecution story in brief is that on 31-10-2020 informant Tunu Chandra Boro, President and Ansuma Baro, General Secretary of Barama Anchalik ABSU jointly lodged an FIR before OC, Barama PS to the effect that on the same day at around 2.30 pm some goons of BPF came to their office and vandalized the same. They broke chairs of the office and even tried to hurt some workers/members present at that time. They abused the President of Barama Anchalik ABSU and Dakshin Baksa Anchalik ABSU and even threatened to shoot them dead.
2. Barama PS Case No. 93/2020, u/s 147/448/427/294/506 IPC was registered against total 9 (nine) nos. of accused persons and investigated into. After completion of investigation, charge-sheet was submitted against all 9 (nine) nos. of accused persons u/s 147/448/427/294/506 IPC.
3. Particulars of the offence U/s 147/427/506 IPC was read over and explained to the accused persons to which the accused persons pleaded not guilty and claimed to be tried.
4. The prosecution examined 2 (two) witnesses and defence examined none.
5. The accused persons are examined u/s 313 Cr.P.C. The accused persons have declined to adduce evidence.

6. I have heard argument of the learned A.P.P. as well as the learned defence counsel and perused all the relevant documents available on record.

7. POINTS FOR DETERMINATION:-

1. Whether the accused persons committed the offence of rioting?
2. Whether the accused persons had committed mischief causing damage amounting to rupees fifty or upwards?
3. Whether the accused person had criminally intimidated the informants?

8. DISCUSSION, REASONS AND DECISION:

9. POINT NO. 1 to 3:

10. The prosecution had examined both informants as PW1 and PW2 but they have said nothing against the accused persons. Under such circumstance, the ingredients u/s 147/427/506 IPC are not established.

11. From the above discussions, I find that it is not proved that the accused persons committed the offence of rioting **AND** the accused persons had committed mischief causing damage amounting to rupees fifty or upwards **AND** the accused person had criminally intimidated the informants. So, the accused persons cannot be held guilty u/s 147/427/506 IPC.

12. From the above discussions, I am of the considered opinion that the prosecution has failed to prove the guilt of the accused persons beyond reasonable doubt U/s 147/427/506 IPC. So, I acquit the accused persons viz. Mantu Dewry, Amulya Dewry, Nabajit Boro, Dharani Boro, Prabin Ramchiary, Birsing Swargiary, Dipen Kr. Ramchiary, Sundar Kr. Basumatary and Dipak Ramchiary of the charges U/s 147/427/506 IPC and are set at liberty.
13. The seized article vide MR No. 40/20 be destroyed after expiry of appeal period.
14. Given under my hand and seal of this Court this 13th day of December, 2022.
- Typed by me—

D. Boro
CJM, Baksa

D. Boro
CJM, Baksa