

APPENDIX

IN THE COURT OF CHIEF JUDICIAL MAGISTRATE, BAKSA, MUSHALPUR	
Present : Smti. Dimple Boro, CJM.	
Date of Judgment: 09-12-2022	
Case No. : PRC-851/21	
Simla PS Case No. : 22/2020	
U/s : 326/323/506/427 IPC	
Complainant	State of Assam
Represented by	Mr. Ranjit Basumatary , APP.
Accused	1. Praneswar Brahma, S/o: Lt. Baliram Brahma, Vill: Laukhata, PS: Simla, Dist.: Baksa. (A-1)
Represented by	Adv. Ajanta Rabha
Date of Offence	02-05-2020
Date of FIR	03-05-2020
Date of Charge Sheet	31-01-2021
Date of Framing of Charge	11-07-2022
Date of commencement of evidence	18-08-2022
Date on which judgment is reserved	NA
Date of Judgment	09-12-2022
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	Praneswar Brahma	NA	03-08-2020	U/S-326/323/506/427 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	Lakhindra Brahma	Informant cum victim
PW2	Udang Brahma	Victim

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 03-05-2020 informant Lakhindra Brahma lodged an FIR before OC, Simla PS to the effect that on 02-05-2020 at about 5.30 pm he went to Saderi Supa for marketing. Soon after reaching taking goods, the accused without asking anything attacked him in front of shop of fish seller Soneswar Boro. The accused broke his bicycle by kicking and injured him by giving fist & blows, kick etc. The accused also threatened him to kill by taking out a dagger from his possession. As such, the informant fled to his house out of fear of life. After this incident at about 6.00 pm, the informant's son Udang Brahma, age 35 years went to Saderi Supa for marketing and in the same way, without asking anything attacked Udang Brahma by dagger and injured him. Hence, Udang Brahma was at first taken to Jalah Primary Health Centre but after first aid he was referred to GMCH. At present Udang Brahma is fighting for his life at GMCH.
2. Simla PS Case No. 22/2020, u/s 326/323/506/427 IPC was registered against the accused person and investigated into. After completion of investigation, charge-sheet was submitted against the accused person u/s 326/323/506/427 IPC.
3. Charge was framed against the accused person U/s 326/323/506/427 IPC was read over and explained to the accused

person to which the accused person has pleaded not guilty and claimed to be tried.

4. The prosecution examined 2 (two) witnesses and defence examined none.
5. The accused person is examined u/s 313 Cr.P.C. The accused person has 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 Lakhindra Brahma had sustained hurt?
2. Whether the accused person had voluntarily caused hurt to Lakhindra Brahma?
3. Whether Udang Brahma had sustained grievous hurt?
4. Whether the accused person had voluntarily caused grievous hurt to Udang Brahma by dangerous weapon?
5. Whether the accused person had criminally intimidated the informant?
6. Whether the accused person had committed mischief causing damage amounting to rupees fifty or upwards?

8. DISCUSSION, REASONS AND DECISION:

9. POINT NO. 1 to 6:

10. The prosecution had examined the informant cum victim as PW1 and his son, the other victim Udang Brahma as PW2 but they have

said nothing against the accused person. Under such circumstance, the ingredients u/s 326/323/506/427 IPC are not established.

11. From the above discussions, I find that it is not proved that Lakhindra Brahma had sustained hurt **AND** the accused person had voluntarily caused hurt to Lakhindra Brahma **AND** Udang Brahma had sustained grievous hurt **AND** the accused person had voluntarily caused grievous hurt to Udang Brahma by dangerous weapon **AND** the accused person had criminally intimidated the informant **AND** the accused person had committed mischief causing damage amounting to rupees fifty or upwards. So, the accused person cannot be held guilty u/s 326/323/506/427 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 326/323/506/427 IPC. So, I acquit the accused person of the charges U/s 326/323/506/427 IPC and is set at liberty.

13. The custody of seized article (bi-cycle) vide MR No. 13/2020, Zimma No. 09/2020 is made absolute.

14. Given under my hand and seal of this Court this 9th day of December, 2022.

Typed by me—

D. Boro
CJM, Baksa

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CJM, Baksa