

IN THE COURT OF ASSISTANT SESSIONS JUDGE:
GOALPARA

Sessions case No. 156/2019
U/s 354/324/307 of IPC

The State of Assam

-Vs-

Raben Das

..... Accused person

Present : Smt. C.R. Saikia, A.J.S.
Assistant Sessions Judge, Goalpara

For the Prosecution: Mr. N.N. Islam, learned Addl. P. P.

For the accused: Mr. S. Rahman, learned Advocate.

Evidence for the prosecution recorded on : 28/01/2021.

Statement of the accused: Dispensed with.

Argument heard on: 28-01-2021.

Judgment delivered on: 28-01-2021.

J U D G M E N T

1. The gist of the prosecution case as disclosed in the ejahar is that on 16/10/2019 at about 7:00 a.m. Raben Das, S/o. Late Gandhi Das of village Amjonga Baniapara under

Dudhnoi Police Station illegally entered into the house of Smt. Guneswari Devi Das, his elder sister-in-law, taking a dao in his hand and pulled her to the out side. That as the husband of Guneswari Devi Das came there, Raben das assaulted him with the dao in his hand.

2. On the basis of the ejahar Dudhnnoi P.S. Case No. 128/19 u/s 354/326 IPC was registered against accused Raben Das. On completion of investigation police laid charge sheet against accused Raben Das u/s 354/324/307 IPC.

3. Learned Chief Judicial Magistrate, Goalpara committed this case for trial before Hon'ble Court of Sessions vide its order dated 14/11/2019 after complying with the provisions under section 207/209 Cr.P.C. as the offence under section 307 IPC is exclusively triable by the court of sessions. On 29/11/2019 this court received the instant case for disposal from Hon'ble Sessions court on transmission.

4. After hearing learned counsels of both sides and on perusal of materials available on record my learned predecessor in office framed a formal charge u/s 354/324/307 IPC against the accused person vide its order dated 06/01/2020. The charge was read over and explained to the accused to which he pleaded not guilty and claimed to be tried.

5. Prosecution side adduced evidence of two witnesses in support of its case. Statement of the accused under section 313 Cr. P.C. is dispensed with as there is no incriminating evidence on record. I have heard the argument of both sides, considered the contentions raised on behalf of both sides and perused the evidence on record.

The points for determination in this case are as follows:

6. (i) Whether the accused on 16/10/2019 at about 7:00 a.m. at village Amjonga Baniapara under Dudhnoi Police Station, Dist. Goalpara (Assam) assaulted or used criminal force to informant namely Smt. Guneswari Devi Das intending to outrage or knowing it to be likely that he would thereby outrage her modesty, and thereby committed an offence punishable u/s 354 of IPC ?

(ii) Whether the accused at the aforesaid time and place voluntarily caused hurt to Amar Das, who is husband of informant, with a dao which is dangerous weapon for cutting and thereby committed an offence punishable u/s 324 of IPC ?

(iii) Whether the accused at the aforesaid time and place voluntarily caused hurt to said victim Amar Das with such intention (or knowledge) and under the circumstances that if by his above act he had caused death of Amar Das he

would have been guilty of culpable homicide not amounting to murder and thereby committed an offence punishable u/s 307 of IPC ?

DISCUSSIONS, DECISIONS AND REASONS THEREOF:

7. **P.W.1, Guneswari Devi Das**, who is informant of the case, deposed that the accused is her younger brother-in-law. That she lodged this case out of misunderstanding and she is not willing to proceed further with this case. It is in her evidence that she has already settled the matter with the accused and she has no objection if the accused is acquitted from the alleged offences in this case. P.W-1 proves her ejahar as Exhibit-I wherein she has admitted her signature as Exhibit-I(i).

8. Learned defence counsel declined to cross examine P.W-1.

9. **P.W-2, Amar Das**, is the victim in this case. He testifies that the accused is his younger brother. That his wife lodged this case out of misunderstanding and they have already settled the matter with the accused. It is in the evidence of P.W-2 that he has not objection if the accused is acquitted of the alleged offences.

10. Learned defence counsel declined to cross examine P.W-2.

11. From the evidence as discussed above it is seen that there is nothing in the evidence to show the involvement of the accused person in the alleged offences. I am of the considered opinion that the prosecution has totally failed to lead cogent and convincing evidence to bring home the charge under section 354/324/307 of I.P.C. against the accused person. Therefore, accused person Raben das is acquitted of the alleged offences under sections 354/324/307 IPC. He is set at liberty forthwith. His bail bond is extended for six months under section 437A Cr.P.C.

12. Forward a copy of this judgment to the District Magistrate in compliance of section 365 of Cr. P.C.

**Given under my hand and the seal of this Court
on this 28th day of January, 2021.**

Dictated and corrected by me:

**(C.R.Saikia, A.J.S.)
Asstt.Sessions Judge, Goalpara**

Asstt.Sessions Judge, Goalpara

A P P E N D I X.

(Sessions Case No. 156/2019).

Prosecution witness :

P.W.1 Smti. Guneswari Devi Das.

P.W.2 Sri Amar Das.

Defencewitness :..... Nil.

Prosecution Document :

Exhibit-1 F.I.R.

DefenceDocument :..... Nil.

Court's witness :... .. Nil.

Court's Document :... .. Nil.

(C. R. Saikia, A.J.S.)
Asstt. Sessions Judge,
Goalpara, Assam.

