

In the court of the Addl.Chief Judicial Magistrate (M) ::::::::::::::Dhubri

Present : Smt.T. Hussain

Addl.C.J.M ,Dhubri

GR NO-274/09

U/S 279/337 I.P.C

State

Vs

Amal Ch Roy

.....accused

Advocates appeared:

For the prosecution:Mr.S .Ahmed Asstt.P.P

For the Defence :Mr U.K Dutta

Evidence recorded on :12.05.15

:06.07.15

Argument heard on :06.07.15

Judgment delivered on : 06.07.15

Judgment

1.The facts giving rise to the prosecution case in brief are that on 13.10.09 one Israil Khan lodged an ejahar with the Officer - In-charge ,Gauripur Police Station stating therein that on 10.10.09 at about 2 PM while his son Sani Khan was proceeding towards a tea stall located near the Chourangimour traffic point,on the way on NH 31 a speeding bus bearing registration no AS-17/1011 coming from the same direction hit him from behind causing severe injuries to him.

2. Upon receipt of the ejahar Gauripur PS case no.443/09 U/S 279/338 I.P.C was registered, investigated in to and finally charge sheet was submitted against the accused u/s 279/337 IPC.

3. Copy was furnished to the accused on his making appearance for facing the trial.Having gone through the relevant documents , the particulars of the accusation punishable U/s 279/337 I.P.C were explained to the accused to which he pleaded not guilty and claimed to be tried.

4. During the course of the trial the prosecution examined 5 witnesses. As there was no incriminating evidence against the accused, his examination u/s 313 of Cr.P.C was dispensed with .

5. Points for determination:

Whether the accused on 10.10.09 by rash and negligent driving of a bus bearing registration no AS -17/1011 on Public road hit one Sani Khan causing injuries to his legs and thereby committed the offences punishable u/s 279/337 I.P.C?

6. Decision and reasons thereof:

I have heard the arguments advanced by the Id counsel for both the sides and carefully perused the materials available on record. Let us now scrutinize the evidence on record.

Pw1 Israil Khan is the informant. Pw1 has stated in his deposition that the occurrence took place about 5/6 years back. When he was at his home he was informed that his son met with a vehicular accident at Chowrangimore .He immediately rushed to that place and arriving there he came to know that his son was already taken to Dhubri Civil Hospital.He went to Dhubri civil Hospital and saw injury on the finger of the left leg of his son .Thereafter he lodged the ejahar.Ext-1 is the ejahar and Ext-1(1) is his signature

Admittedly Pw1 was not an eye witness to the occurrence .

Pw2 Inamul Haque ,Pw3 Kayanul Haque and Pw4 Anarul Haque have stated in their depositions that about 5/6 years back one evening they heard that one motor accident took place on the public road at chowrangimour near Gauripur.

Thus it is seen evidence of the said witnesses can not help the prosecution in proving its case .

Pw5 Sunny Khan is the injured of this case .He is the son of the informant .He testified to the effect that he does not know the accused .He has further stated that about 5 years back one evening while he was proceeding to a tea stall near the Chowrangimore traffic Point ,gauripur ,a

bus coming from behind hit him . As a result he fell down and sustained injury on a finger of his left leg .He was shifted to Dhubri Civil Hospital. His father was informed .

In his cross examination Pw5 has made it clear that as the bus was coming from behind he could not see the Driver of that offending bus .He did not see the number of the bus.

It is seen that Pw5 has not implicated the accused in any manner .There is no incriminating evidence against the accused .None of the prosecution witnesses could link the accused with the said occurrence.

Situated thus it is found and held that the prosecution has not been able to bring home the charges against the accused .

In the result the accused Amal Ch Roy is acquitted of the offences u/s 279/337I.P.C and set at liberty forth with.

The bail bond shall remain in force for next six months.

Given under my hand and seal of the court on this 6th day of July 2015.

Addl.C.J.M Dhubri

Dictated & corrected by me

