

**IN THE COURT OF CHIEF JUDICIAL MAGISTRATE,
UDALGURI, BTAD, ASSAM.**

G.R. CASE NO. 981 of 2018
(PRC NO. 38/2019)

**Present: Sri Mridul Kumar Saikia,
Chief Judicial Magistrate,
Udalguri, BTAD, Assam.**

STATE

-VS-

SRI SRIKANTA CHOUDHURY.

-----Accused.

For the Prosecution : Mr. M. Khakhlari, Learned Addl. P.P.

For the Defence : Mr. Manoj Deka, Learned Advocate.

**Date of Prosecution Evidence : 20-02-19, 29-03-19, 12-04-19,
17-05-19 and 30-05-2019.**

Date of Argument : 19-08-2019.

Date of Judgment : 21-08-2019.

U/S 420/406 I.P.C.

J U D G M E N T

1. The victim of the occurrence is Smt. Basanti Deka Gayan.
2. Connoisseur of facts that could be gathered from the ejahar filed by one Smt. Basanti Deka Gayan, as complainant before the Court of Chief Judicial Magistrate, Udalguri, BTAD, Assam on 17-09-2018 are: having met one Sri Srikanta Choudhury(hereinafter referred to as 'the accused') as a customer on being approaching her to collect stamp paper from her, slowly and gradually their relationship developed to a new height. As a result, said Sri Srikanta Choudhury collected all her bio-datas and pretending to be her well wisher claimed having solid connections and influence with powerful people of the society, committed to appoint her son in a suitable government service. Few

days later of their introduction to each other the accused informed the complainant that of his own he had already paid Rs. 2.5 lacs for accommodating her son a government service. On 26-01-2018 the accused asked the complainant for Rs. 20,000/- at Guwahati to which the complainant for her lack of cash amount, handed over her Axis Bank ATM Card disclosing its PIN No. Again the accused approached her at Guwahati and took Rs. 20,000/- from her. Further, he retained the ATM card of the complainant with him with a promise to return the same later. On 23-02-2018 while she was at her work place, through a phone call from Axis Bank, Udalguri informed her that a loan of Rs. 7,00,000/- (Rupees seven lacs) had been sanctioned in her name. At that time, the accused was also present with the complainant and immediately he took her to the Axis Bank, Udalguri Branch, wherein, she was compelled to put her signature on the loan papers by him. The accused insisted that out of the loan amount, he would purchase a car and would return the loan amount in installment basis from the prospective income of the car. As soon as the loan was sanctioned in her name, the accused withdrawn the whole amount of the sanctioned loan Rs. 7,00,000/- of the complainant through her ATM Card which was in his custody. Along with the whole loan amount, Rs. 52,040 plus Rs. 12876/- which were transferred to the Axis Bank Account of the complainant as maturity amount of her two LIC policies were withdrawn by the accused. Besides, the accused withdrawn another Rs. 10,000/- from her account. While it was her turn to repay the installment of the loan amount she asked him to return the amount taken by him to which he threatened the complainant to kill her. Being shocked in the behavior of the accused, she started to enquire about the accused. On her inquiry the complainant came to know that the person who initially identified himself as Sri Deep Das of Azara, his actual name is Sri Srikanta Choudhury of Mirza and he is a dacoit having undergone jail term. The complainant has further stated that on 15-05-2018 he took her signature on a blank stamp paper pretending her to use it as an affidavit for the service of her son. Now, the complainant has realized that the accused has already misappropriated her all amount by cheating her and till date he has not returned her Axis Bank ATM card and has been retaining it with him. Being buried ten fathom deep with no chance of resurrection she has approached the court with great hope.

3. The nicety of the I.P.C., though framed in 1860, that is more than about one and half century ago from today is that through its provisions it has substantiated one to all characters of human beings of all generations which appears at a particular matter and has entailed punishment for it.
4. After receiving the complaint petition to the effect aforesaid, the same was forwarded to the Officer-in-Charge, Udalguri Police Station for investigation. Accordingly, the Officer-in-Charge of Udalguri Police Station registered Udalguri PS case no. 219 of 2018 U/S 420/406/506 I.P.C. and on completion of the investigation, the I.O. submitted charge-sheet against the accused Sri Srikanta Choudhury alleging commission of the offences U/S 420/406 I.P.C.
5. On the basis of the charge sheet, cognizance of offence was taken under Section **190 (1)(b)** of the Cr. PC. The process was issued for causing appearance of the accused person before the Court. On appearance of the accused before the Court to answer the charges, necessary copies of all relevant papers and documents were furnished to the accused in compliance with the provisions of Section 207 CrPC. Finding a prima-facie case for commission of offences, charges U/S 420/406 I.P.C. were framed, read over and explained to the accused to which the accused pleaded not guilty and claimed to stand trial.
6. In order to bring home the charges, the prosecution examined as many as ten(10) prosecution witnesses and one(1) Court Witness including the complainant and the I.O. in the form of :

PW 1- Sri Gouri Pathak

PW 2 – Sri Pallab Jyoti Goswami

PW 3 – Sri Dipam Baruah

PW 4 – Smt. Basanti Deka Gayan (complainant)

PW5 – Sri Rajib Gayan

PW 6 – Md. Abdul Halim

PW 7 – Sri Manojit Roy

PW 8 – Sri Hitesh Das

PW 9 – Sri Dhanjit Gogoi

PW 10 – S.I. Ranjit Kalita (I.O.)

CW 1 – Sanjib Kumar Roy.

Prosecution has exhibited the following documents in the form of:

Ext. 1, 2, 4 – Seizure list (MR No. 107/18 & 108/18)

Ext. 3 – Ejahar (Complaint petition)

Ext. 5 – Sketch map

Ext. 6 – Charge-sheet.

6. After recording the prosecution witnesses, the accused was examined U/S 313 Cr.P.C. All the incriminating circumstances which appeared in evidence against the accused were put to him for his explanation. The accused denied all the circumstances and pleaded his innocence. Further, the accused declined to adduce any evidence in defence.
7. I have heard the argument put forward by the learned Additional P.P. and the learned advocate appearing for the accused. I have also carefully gone through the entire evidence available with the case record.
8. **POINTS FOR DETERMINATION:** To ascertain the guilt of the accused person on the charges levelled against him, the following points are sorted out for decision in the present case:
 - (i) Whether in between the period starting from 29-01-2018 to 23-02-2018, the accused cheated the complainant Smt. Basanti Deka Gayan withdrawing an amount of Rs. 6,50,000/- from the Account No. **914010053753581** of Smt. Basanti Deka Gayan using her ATM card at different locations of Udalguri and Kamrup district of Assam?
 - (ii) Whether in the same period and same place the accused committed criminal breach of trust by dishonestly misappropriating the whole amount of money from the Account No. **914010053753581** of the complainant Smt. Basanti Deka Gayan through her ATM card which was entrusted to him?

DISCUSSION, DECISION AND REASONS THEREOF :

9. To decide the above points, let us make a scrutiny of the evidence led by the prosecution in support of its case. P.W. 4 Smt. Basanti Deka Gayan is the complainant of the case. She has stated in her deposition that on 18-12-2017

she got introduced with the accused and since then she had maintained a good relationship with him. The accused assured her to manage a government job for her son. On the last part of December, the accused told that he had managed a job at Airport Authority for her son and for that purpose he already paid rupees two lacs fifty thousand from his own and hence he came to Udalguri and asked her rupees twenty thousand to which the same was given to him through cheque. Thereafter, the accused again visited her at Udalguri and asked for money stating that he had already paid a huge amount from his own self deposit to secure job for her son and hence became bankrupt. At that time, Rs. 52,000/- and Rs. 8,000/- from her LIC policy was deposited respectively to her bank account to which on 26-01-2018 she handed over her ATM card to the accused. From 29-01-2018 he withdrew her whole amount continuously from her bank account through her ATM card and on 23-02-2018 at about 10 AM one Sri Sanjib Roy from Axis Bank, Udalguri called her over phone informing that a loan amounting to Rs. 7,10,000/- (Rupees seven lacs ten thousand) had been sanctioned against her name. At that moment, the accused too was with her and immediately, he took her to the concerned bank and forcibly put her signature on the relevant papers to get sanctioned the said proposed loan in her name. As soon as she signed in the relevant papers, the whole loan amount was transferred to her bank account. Since her ATM card was with the accused, he withdrew an amount of Rs. 6,50,000/- continuously from her bank account. Thereafter, he did switch off his mobile phone and hence the complainant went in search of the accused to his given address residence at Azara, Guwahati. But there at Azara, she could come to know that the actual name of the accused was not Sri Deep Das, but Sri Srikanta Choudhury and his actual residence was at Mirza in stead of Azara. Thereafter, on 15-08-2018 she met the accused and asked to return her money to which the accused too though promised to return her whole amount. As the accused failed to fulfill his commitment, she, finding no other alternative, approached this case with her written complaint petition. She proved her ejahar Ext. 3, the seizure lists Ext. 1 & Ext. 4 by identifying her signatures Ext. 3(1) to Ext. 3(8) in the ejahar, Ext. 1(2) and Ext. 4(1) in the seizure lists. She further stated that her ATM card was still in the custody of the accused which he did not return her. The accused took her signature on a blank stamp paper stating that an affidavit would be required for the purpose of job of her son.

10. In cross-examination PW 4 stated that her son stayed at Guwahati and she seldom visited him. There were twenty thousand rupees deposited in her bank account prior to sanctioning of the loan. She did not apply for any loan in Axis Bank. After enquiry, she came to know that sometimes the bank use to sanction loan to its customers without any application. She did not state before police that the accused forced her to take the loan and also did not state about how much money the accused withdrew from her bank account. She even did not state before police about handing over rupees twenty thousand to the accused through cheque. Neither she nor her son went into enquiry whether there was any job indeed at airport authority. She did not file any criminal case against the accused. She did not inform to her colleagues about the incident. Her son was admitted in 'WINTROB' hospital at Guwahati on 20-03-2018, where the accused met her there. She denied that the accused gave her Rs. 70,000/- while her son was at nursing home, Guwahati as inpatient and she took Rs. 30,000/- from the accused by putting her signature on a stamp paper with commitment to return the whole amount of rupees one lac at a time.
11. PW 1 Sri Gouri Pathak, an UB Constable stated that he signed as witness in the seizure list Ext. 1 prepared by SI Ranjit Kalita and proved the same by identifying his signature Ext. 1(1) thereon.
12. In cross-examination, the PW 1 stated that he had no knowledge about the occurrence.
13. PW 2 Sri Pallabjyoti Goswami, an employee of Axis Bank, Udalguri stated that about one year back a loan amounting to Rs. 7,10,000/- was sanctioned & deposited against the bank Account No. **914010053753581** in the name of the complainant Smt. Basanti Deka Gayan and on 23-01-2019 the police collected the statement of that account and seized the same and he signed the seizure list prepared by police as witness. PW 2 proved the seizure list Ext. 2 by identifying his signature Ext. 2(1) thereon and Material Ext. 'B' the statement.
14. In cross-examination, the PW 2 stated that the complainant did not apply for any loan. He could not ascertain who had withdrawn the cash amount from the bank account of the complainant Smt. Basanti Deka Gayan.
15. PW 3 Sri Dipam Baruah, the Manager, Axis Bank, Udalguri stated that last year police visited their bank and for the sake of investigation collected the statement

of the account bearing no. **914010053753581** in the name of the complainant Smt. Basanti Deka Gayan as prepared by them.

16. In cross-examination PW 3 stated that he knew nothing about the occurrence. On 23-02-2018 the loan was sanctioned against the name of the complainant.
17. PW 5 Sri Rajib Gayan, the son of the complainant stated that he was engaged as an unskilled labour in the office of the Education Department at Kahilipara, Guwahati. In the month of January, 2018 the complainant, his mother, informed him over phone that one person would meet him regarding his engagement in a job. On the same day the accused, standing in the dock, met him at his office and took his signature in a standard form. But the same was in vain. Later on, his mother, the complainant, informed him that the accused misappropriated by cheating an amount of Rs. 7,00,000/- (Rupees seven lacs) from her pretending to procure a job for him. His mother asked the accused to return her money to which the accused denied and hence his mother has filed this case.
18. In cross-examination PW 5 stated that he did not make any enquiry by himself about any availability of job at the Airport Authority of India, Guwahati as stated by the accused. Last year, he was under treatment as inpatient for about three days in "WINTROB" hospital, Guwahati. Prior to filing this case his mother did not state him about any monetary transaction committed with the accused.
19. PW 6 Md. Abdul Halim stated that last year while he visited the police station for his personal work, police seized a mobile from the complainant and he did put his signature thereon as witness. He has proved the seizure list Ext. 4 by identifying his signature Ext. 4(2) thereon.
20. In cross-examination PW 6 stated that the distance between his house and the house of the complainant is about seven kilometer.
21. PW 7 Sri Manojit Roy, the Branch Manager, Axis Bank, Udalguri stated that on 23-01-2019 police enquired about the bank account document of the complainant which he handed over to them and put his signature on the seizure list Ext. 2 as seizure witness. He proved the same by identifying his signature Ext. 2(2) thereon.
22. In cross-examination PW 7 stated that he knew nothing about the occurrence.
23. PW 8 Sri Hitesh Das stated that last year while a loan amount of rupees five to seven lacs was sanctioned against the name of the complainant, he saw the

accused accompanying the complainant. He heard the accused forcing the complainant to accept the loan sanctioned against her name.

24. In cross-examination PW 8 denied stating before the police about the pressure committed by the accused to the complainant to avail the loan.
25. PW 9 Sri Dhanjit Gogoi, an unskilled labour, stated that last year the accused met Rajib Gayan in his office at Kahilipara, Guwahati and took all his educational testimonials including a standard form taking the signature of Rajib Gayan thereon. On 26-01-2018 he saw the accused taking over the ATM card of the complainant from their house at Kahilipara. Rajib till date remained as unemployed youth.
26. In cross-examination PW 9 stated that police did not record his statement. He only told the police about the taking of some documents by the accused from Rajib. They did not make enquiry about any job notification. He denied some suggestions put to him by the defence.
27. CW Sri Sanjib Kumar Roy, the Deputy Manager of Axis Bank, Udalguri branch stated that last year, one day both the accused and the complainant visited him at his office and discussed about the loan sanctioned against the name of the complainant, wherein, the accused advised her to avail the loan. As per the advice of the accused, the complainant submitted the required relevant documents before the bank and accordingly, the loan amount was deposited in her bank account.
28. In cross-examination CW Sanjib Kumar Roy has stated that the complainant applied for the loan through online. The fate of which is not known to him.
29. PW 10 S.I. Ranjit Kalita, the I.O. of the case has stated in his deposition that he was endorsed by the Office-in-Charge of Udalguri Police Station for the investigation of the case and accordingly, he visited the place of occurrence, recorded the statement of the complainant, seized the relevant materials and on completion of his investigation, submitted the charge-sheet against the accused alleging commission of offences U/S 420/406 I.P.C. He proved Ext. 1, 2 and 4 seizure list, Ext. 5 sketch map, Ext. 6 Charge-sheet by identifying his signatures Ext. 1(3), Ext. 2(3), Ext. 4(3) in the seizure lists and Ext. 5(1) and Ext. 6(1) in the sketch map and charge-sheet.
30. In cross-examination PW 10 stated that he recorded the statement of the complainant at Mahari Sanstha, Udalguri. Except the complainant he did not

record the statement of other petition writers available there. He did not send the seized CD to the FSL for authentication. He did not collect any voice sample of the accused during his investigation. He did not collect the CC TV footage of the accused withdrawing money from ATM. In the statement of Rajib Gayan he did not state before him about misappropriation of Rs. 7,00,000/- by the accused from his mother. He also did not state before him that the accused forced his mother to take the loan sanctioned against her name. He denied that he submitted the charge-sheet without proper investigation.

31. Defence while argued the case mainly targeted the seizure and denied the same with the following prime thrust:

(A) The CD and voice call were not sent to FSL.

(B) There is no independent witness.

(C) Non-collection of CC TV footage.

Further, the defence argued that as there was no entrustment of property the question of misappropriation of property does not arise at all along with the contention that the prosecution evidence is merely an improvised evidence.

32. It keeps on rolling all along with the version of the complainant, as complainant and as PW 4 that the accused Sri Srikanta Choudhury has committed the crime of cheating against her. In absence of any either primary or secondary evidence available indicating the involvement of the accused in the alleged offence, we find it plausible to check, verify and analyze relevant points as adduced from the prosecution witnesses. From the testimony of PW 4 Smt. Basanti Deka Gayan, it appears that the accused took away total amount of Rs. 6,50,000/- from the Axis Bank Account No. 914010053753581 of the complainant since 29-01-2018 till the filing of the case through her allotted ATM card which she handed over to the accused on 26-01-2018. On verification of the bank statements of the complainant of her Axis Bank Account No. 914010053753581 we find that:

(I) On 29-01-2018 an amount of Rs. 70,380.46/- stood as balance in the Axis Bank Account No. 914010053753581 of the complainant.

(II) An amount of Rs. 10,000/- was transferred to her Axis Bank A/C No. 914010053753581 on 26-01-2018.

(III) On 23-02-2018 an amount of Rs. 693244/- was transferred to her said bank account no. 914010053753581 as personal loan amount.

The version of the complainant as PW 4 as regard the source of accumulation of amount as claimed by her is supported by the bank statements furnished by the bank authority and seized by the I.O. in connection with this case.

33. The version of PW 2 Shri Pallabjyoti Goswami , PW 3 Sri Dipam Baruah and PW 7 Sri Manjit Roy, all of whom are employees of Axis Bank, Udalguri Branch have deposed that they being the employees of the relevant Branch of Axis Bank, furnished the statement of the Account No. 914010053753581 of the complainant to police as per their requisition. Further, the evidence of PW 2 goes to establish that an amount of Rs. 7,10,000/- was sanctioned in the name of the complainant Smt. Basanti Deka Gayan and the same was transferred to her Account No. 914010053753581 immediately.
34. What prompted her to hand over the ATM card to the accused seems to be the persuasion made by the accused that he for the employment of Sri Rajib Gayan, the son of the complainant in Airport Authority of India, Guwahati invested Rs. 2.5 lacs from his own pocket which she accepted to be true and genuinely believed to be her pious responsibility to help the accused at the time of his crisis.
35. Cordoning himself from all sorts of anticipated suspects the accused persuaded the complainant perfectly to achieve his goal of obtaining the monetary gain from the complainant by cheating her becomes apparent in the version of PW 5 Sri Rajib Gayan while his version authenticated and corroborated by the version of PW 9 that the accused met him at Guwahati, persuaded him to put his signature on a standard form and to hand over his educational qualification testimonials to apply for a post at Airport Authority of India. We find it sensible that any prudent man would have bite the hook baited by the accused. Therefore, the consideration of the complainant to believe the accused to be a well-wisher to her is found to be genuine and acting upon that handing over her ATM card disclosing PIN no. is barricaded from all corners of suspicion.
36. Curiously enough intention of the accused to cheat the complainant from the initial stage becomes apparent in the version of PW 8 Sri Hitesh Das and CW 1 Sri Sanjib Kumar Roy, while they confirmed that the initiative of the accused by persuading and forcing the complainant to accept and put her signature on the personal loan documents of Axis Bank, Udalguri Branch, lest she would have not opted to receive the loan amount. All these corroborative evidences go to prove that the accused out of his greediness had the sole intention from the initial stage to cheat the complainant on the pretext of being a well-wisher of her. As such, we wholly accept the version of PW 4 Smt. Basanit Deka Gayan.

37. Due consideration is given to the version of PW 1 Sri Gouri Pathak and PW 6 Md. Abdul Halim who stood as witnesses to the seizure list seizing the CD and one mobile phone as submitted by the complainant to the police. But due to technical and legal fallibility the communication appearing in the CD is not accepted for which the version of these witnesses requires not much emphasis.
38. Coming back to the points made by the defence at the time of argument as regard the rejection of the CD seized by the I.O. from the complainant on the ground of its not being sent to FSL for examination we agree with the defence counsel and accordingly, the CD exhibited as Material Ext. "ka" is not accepted.
39. As regard the contention of the defence that the case suffers from lack of independent witness is not found valid as there is no hard and fast rule that to decide a case there must be independent witnesses.
40. As argued by the defence counsel that the case must meet with fatal fate is not hold good on the ground that the collection of the CCTV footage would have given an additional advantage in deciding the case. But in no way non-collection of the CCTV footage can taint or stand as obstacle in deciding a case while we have other means to appreciate the case. Therefore, the contention of the defence counsel is rejected.
41. Viewed through the legal prism, the prosecution witnesses facilitated the material points that :
 - (i) From the initial approach of the accused to the complainant coveted with intention to cheat the complainant and that is why he camouflaged his true identity and introduced himself as Sri Deep Das of Azara while his actual name was Sri Srikanta Choudhury, a resident of Mirza.
 - (ii) His intention to cheat the complainant becomes apparent while he expressed his influence and connection with powerful people and persuaded/forced the complainant to accept the personal loan from the Axis Bank, Udalguri Branch;
 - (iii) Collecting the educational qualification testimonials from the son of the complainant and tactfully taking away the ATM card of the complainant with its PIN no. are other steps of the accused to cheat the complainant.

42. Appreciating the offence U/S 420 I.P.C. hon'ble the Supreme Court in **Joseph Salvaraj v. State of Gujarat, AIR 2011 SC 2258: (2011)7 SCC 53: (2011) 6 SCALE 731** held that :

"There has to be a dishonest intention from very beginning, which is sine qua non to hold the accused guilty for commission of the said offence."

43. In consonance with the above observation of hon'ble the SC, in our case in hand, we find that the accused from the initial introduction to the complainant introduced himself to be a powerful man pretending to be her well wisher, expressed his having solid connections with powerful people of the society committed to appoint her son in a suitable government service This act of the accused manifested that from the very beginning the accused had dishonest intention to cheat the complainant to which she fallen trapped to the inducement of the accused for which she delivered her ATM card to him which adequately go to frame the accused within the provisions of offence U/S 420 I.P.C.
44. Making re-conciliation of all the above appreciation, it amply becomes clear to us that the accused by cheating the complainant misused her ATM card and withdrew total Rs. 6,50,000/- continuously from 29-01-2018 to 31-03-2018 from different places consisting nearby places of Guwahati, Azara, Bijoy Nagar which parallally confirms that none but the accused withdrew this amount from different places ATM centres. Though there is no CCTV footage collected by the I/O, there is no iota of doubt about the involvement of the accused in withdrawing the money of the complainant on daily basis on the simple ground that there is no reason why the complainant would make the accused scapegoat if, he were not the actual culprit as the complainant and the accused had a very good relationship between them. Parallaly, we do not find any cogent reason why the complainant would have drawn the amount of money as shown in the statement in case, we, anyhow disbelieve her case and most of the withdrawal were made from ATM at Mirza too strengthens that it was the accused who withdrew the money of the complainant and none else.
45. From the testimony of the P.W. 9, the I,O. of the case, it appears that he visited the place of occurrence and conducted the investigation, but failed to collect the CCTV footage and to send the CD to FSL for its voice test. However,

this irregularity of the I.O. no way hampers the case. Simultaneously, in his cross examination the defence has failed to highlight any sort of impropriety or illegality in the process of investigation conducted by this witness about the occurrence to view his testimony with suspicion.

46. Thus, from the evidence on record, I find that the prosecution has been able to prove the charge U/S 420 I.P.C. against the accused person beyond all reasonable doubt. In the result, the accused is found guilty for commission of offence U/S 420 I.P.C. Accordingly, the accused Sri Srikanta Choudhury is convicted U/S 420 I.P.C.
47. On the other hand, from the evidence on record, I find that the prosecution has failed to establish the offence U/S 406 I.P.C. against the aforesaid accused person beyond all reasonable doubt. In the result, the accused is found not guilty U/S 406 I.P.C. Hence, the accused Sri Srikanta Choudhury is acquitted from the charge U/S 406 I.P.C. on benefit of doubt.
48. Heard the accused on the sentence. The accused pleaded mercy on the ground that he is an unemployed person having school going children and imposition of sentence would impair their future and prayed for leniency.
49. I have considered the nature of the offence and taken note of the absence of previous criminal antecedent of the accused person. The accused is above 21 years of age and she has the capacity to understand the consequences of crime. Considering the gravity of the offence and the manner in which the same was committed, I am not inclined to give the benefit of the provisions of **Probation of Offenders Act**. If the accused is let off scot free without awarding any sentence, the like minded offenders in the society would get encouragement to indulge in such sort of offences. Considering the facts and circumstances of the case, at the same time we are of the opinion that a sentence of Rigorous Imprisonment and Fine would meet the ends of justice.
50. Accordingly, the accused Sri Srikanta Choudhury is sentenced to undergo Rigorous Imprisonment for a period of two(2) years under Section 420 I.P.C. and to pay a fine of Rs. 10,000/-(Rupees then thousand), in default of the fine amount, the accused shall undergo Simple Imprisonment for another period of three(3) months.
51. The previous period of detention of the accused, if any, shall be set off as per Section 428 Cr.P.C.

52. On realization of the fine amount, the same shall be given to the victim immediately.
53. Supply a free copy of the judgment to the convicted person.

Given under my hand and seal of this court on this 21st day of August, 2019 at Udalguri, BTAD, Assam.

Dictated and corrected by me:

(Mridul Kumar Saikia)
Chief Judicial Magistrate
Udalguri, BTAD, Assam.

(Mridul Kumar Saikia)
Chief Judicial Magistrate.
Udalguri, BTAD, Assam.

APPENDIX

- A. Prosecution witnesses : PW 1- Sri Gouri Pathak
PW 2 – Sri Pallab Jyoti Goswami
PW 3 – Sri Dipam Baruah
PW 4 – Smt. Basanti Deka Gayan (complainant)
PW5 – Sri Rajib Gayan
PW 6 – Md. Abdul Halim
PW 7 – Sri Manojit Roy
PW 8 – Sri Hitesh Das
PW 9 – Sri Dhanjit Gogoi
PW 10 – S.I. Ranjit Kalita (I.O.)
CW 1 – Sanjib Kumar Roy.
- B. Defence witness : Nil.
- C. Documents exhibited : Ext. 1, 2, 4 – Seizure list (MR No. 107/18 & 108/18)
Ext. 3 – Ejahar (Complaint petition)
Ext. 5 – Sketch map
Ext. 6 – Charge-sheet.

(Mridul Kumar Saikia)
Chief Judicial Magistrate
Udalguri, BTAD, Assam.

Transcribed and typed by me:

(Tulashi Dev Sarma/Stenographer)