

**IN THE COURT OF THE ADDL. SESSIONS JUDGE,**  
**UDALGURI**

SESSIONS CASE NO. 66/2021 U/S 324/307 IPC

**Present** : **Nisanta Goswami**  
Addl. Sessions Judge, Udalguri

**Prosecutor** : **State of Assam**  
Represented by Public Prosecutor,  
Udalguri

**Accused** : **Krishna Chetry**

**Counsel for the State:** **Sri Rajib Sarma,** Addl. PP

**Counsel for the accused:** **Md. Mafijur Rahman,** Adv

**Date of recording evidence** : 20.12.2021

**Date of Argument** : 20.12.2021

**Date of Judgment** : 20.12.2021

**JUGDMENT**

1. The case of the prosecution, in brief, is that on 30-10-2019, the accused Sri Krishna Chetry, the victim (wife of the accused) Smti. Minakshi Chetry and the elder sister of the accused Smti. Renuka Chetry went to visit some of their relatives at Rowta. They were travelling in a Maruti Alto car, when in a place named Lailangpara, the accused slit his wife's neck with a sharp knife. The driver stopped the vehicle and some persons present there rescued the victim and took her to the hospital.

2. An FIR was lodged on 30-10-2019 by the father of the accused, Sri Churamani Chetry at Lalpool police outpost under Rowta PS. Police started investigation and after completion of investigation, a charge-sheet was filed against the accused Krishna Chetry U/S 324/307 IPC.
3. Cognizance of the offence was taken against the accused U/S 324/307 IPC. When the accused appeared before the Court, the Ld. Addl. CJM, Udalguri committed this case to the Court of Sessions on 27/10/2021, the offences being triable exclusively by the Court of Sessions.
4. A prima facie case was found against the accused U/S 324/307 IPC and charges were framed against the accused under those Sections. When the charges were read over to the accused, he pleaded not guilty and claimed to be tried. Thus, the case proceeded to the trial stage.

**POINTS FOR DETERMINATION:**

5. The following points were fixed for determination in this case:
  - i) Whether the accused voluntarily caused hurt to his wife Smt. Minakshi Chetry by using a dangerous weapon on 30.10.2019?
  - ii) Whether the accused attempted to murder his wife on 30.10.2019

## **POINTS DECIDED AND REASONS THEREOF:**

6. In this case, the prosecution examined 3 witnesses. PW-1 Minakshi Chetry, is the victim of this case. She has stated in her evidence that the incident occurred in the year 2020. She along with her husband (the accused) and sister in law went for an outing in a rented car. A quarrel occurred between her and her husband and the driver suddenly stopped the vehicle apprehending something. Thereafter, the PW-1 received injury in her neck. The incident occurred near Rowta on the national highway. Blood started oozing from her neck and then her sister in law took her to a hospital in Tezpur. Thereafter her father in law lodged the FIR. PW-1 has further stated that the informant has now expired.
7. In her cross-examination, PW-1 has stated that she doesn't have any objection if her husband, the accused is acquitted. She has further stated that now she is living with her husband together.
8. PW-2 Mahendra Sarmah has stated that he has not seen the incident. He simply heard that when the accused and the victim were travelling together, an accident occurred somewhere near Rowta.
9. PW-3 Indramaya Devi has stated that the informant was her husband. The accused is her son and the victim

is her daughter in law. She does not know anything about the incident.

10. In his examination U/S 313 of CrPC; the accused has stated that there occurred an accident when he was travelling with his wife and she sustained some injuries. The case was filed by his father mistakenly.
11. I have heard the Ld. Counsel for the accused as well as the Ld. Addl. PP. for the state.
12. It appears that this was a case of pure accident and the father of the accused, who was not even an eyewitness to that event, lodged the FIR because of some misunderstanding. Now the informant has also expired and the victim has also stated before the Court that nothing had occurred to attract the Provision of section 307 IPC.
13. It appears from the above that the prosecution has failed to prove its case against the accused beyond all reasonable doubt. The accused Sri Krishna Chetry is acquitted and set at liberty forthwith. The bailor is discharged.
14. Given under my hand and seal of this Court on this 20<sup>th</sup> day of December, 2021

(Nisanta Goswami)  
Addl. Sessions Judge,  
Udalguri

## **APPENDIX**

### **1. Prosecution Witnesses:**

- i) PW-1: Minakshi Chetry
- ii) PW-2: Mahendra Sarmah
- iii) PW-3: Indramaya Devi

### **2. Defence Witness: Nil**

### **3. Court Witness: Nil**

### **4. Exhibits: Nil**

(Nisanta Goswami)  
Addl. Sessions Judge,  
Udalguri