

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

**G.R. CASE NO. 636 of 2020  
(PRC NO. 582/20)**

**U/S- 341/323/34 I.P.C.**

**Present: Smti. Ranjita Agarwalla  
Chief Judicial Magistrate,  
Udalguri, Assam.**

**State of Assam**

**-Vs-**

**1. Sri Rakesh Praja**

**2. Sri Sudeep Singha**

**..... Accused persons.**

**Advocates appeared:**

**For the Prosecution : Mr. M. Khakhlari, Ld. Addl. P.P.**

**For the Defence : Mr. Golapchan Chouhan,  
Ld. Advocate.**

**Dates of Evidence : 06-02-2021, 23-03-2021, 17-08-  
2021 and 25-08-2021.**

**Date of Argument : 19-12-2021.**

**Date of Judgment : 30-12-2021.**

**J U D G M E N T**

- 1.** The long and the short of the prosecution case is that on 23.06.2020, a written ejahar was lodged by Sri Rohit Pariga stating inter-alia that on the previous night i.e., on

22.06.2022 at about 10.40 PM, while he was at the chowk of B Block of Khoirabari Tea Estate, some personals of the Forest Department, Panery came to chase herd of elephants from entering into the two lines of the tea estate. The Beat Officer called him and the public gathered and the public were asked to leave the place. At that time, the informant engaged in an altercation with one of the accused Sri Rakesh Praja, S/o- Sri Basudev Praja and then the accused assaulted and rolled him down on the ground. The accused Sri Rakesh Praja and the son of Sri Kripa Singh of Khoirabari assaulted the informant with a spade with intent to kill him. As a result, the informant sustained severe injuries on his hand and he had to take medication. The accused persons made conspiracy to kill the informant but failed. The informant has no disputes with the accused persons.

- 2.** On receipt of the aforesaid FIR, the Officer-in-Charge of Harisinga Police Station registered a case vide Harisinga PS case no. **30/2020**, U/S **326/34** of IPC and entrusted **ASI Munnaf Ali** to conduct the investigation of the case. On completion of the investigation, the Investigating Officer submitted charge-sheet u/s **341/323/34 of IPC** against the accused persons.
- 3.** On the basis of the charge sheet, cognizance of offence was taken under Section **190 (1)(b)** of the Cr.P.C. The processes were issued for causing appearance of the accused persons before the Court. Accordingly, the accused appeared before the Court and on their appearance necessary copies of all relevant papers and documents were furnished to them. Finding a prima-facie case for commission of offences, the particulars offences U/S 341/323/34 of I.P.C. were stated and explained to them to which the accused persons pleaded not guilty and claimed to stand trial.
- 4.** In order to bring home the case, the prosecution examined as many as seven (7) PWs in the form of:

**PW 1 Rohit Pariga**

**PW 2 Babul Prasad**

**PW 3 Mangal Nayak**

**PW 4 Buchu Tanti**

**PW 5 Dr. Bikram Aditya Daimari**

**PW 6 ASI Munnaf Ali**

**PW 7 SI Premankur Hazarika.**

The prosecution has also exhibited the following documents in the form of:

**Ext. 1 FIR.**

**Ext. 2 Medical report**

**Ext. 3 Sketch map**

**Ext. 4 Seizure-list**

**Ext. 5 Charge-sheet.**

- 5.** After recording the prosecution witnesses, the statements of the accused persons were recorded U/S **313 Cr.P.C.** in separate sheets and the defence declined to adduce any defence evidence.
- 6.** I have heard the argument put forward by the learned Additional P.P. and the learned advocate appearing for the accused persons. I have also carefully gone through the entire evidence available in the case record.

**7. Points for determination:**

- i.** Whether the accused persons on **22.06.2020** at about 10:40 PM at Khoirabari TE, B block, in furtherance of their common intention, wrongfully restrained the informant and thereby committed an offence punishable U/S **341/34** of IPC?
- ii.** Whether the accused persons on the same day, same time and same place, in furtherance of their common intention, voluntarily caused hurt to the informant and thereby committed an offence punishable U/S **323/34** of IPC?

**DISCUSSION, DECISION AND REASONS THEREOF:**

For sake of convenience of discussion I would like to reproduce the evidences of prosecution witnesses.

- 8. PW1 Rohit Pariga,** the informant of this case, deposed that he knew the accused persons. On May/June 2020, he got one phone call from the forest office where he was told that a group of elephants entered into Khoirabari B block which is a labour quarter area. He was called to that place. The Ranger team came and picked him up with them. PW 1 went to the B block. When they were attempting to chase away the elephants on the way one tractor was parked. PW1 asked the tractor driver to remove the tractor from the spot. At

that moment, the accused Sri Sudeep Singha came and stopped him. Thereafter the accused pushed PW1 and at that moment the torch light which was on the hand of PW1 accidentally hit the accused. Next the other accused caught hold of his neck and put him down on the road and the accused Sri Sudeep Singha brought a "kodal" and hit him on his head and due to which he fell down unconsciously and later on got seven stitches on his head. PW1 further stated that Public present there took him to the Hatigarh T.E. hospital. Later on, police took him for treatment. PW1 identified the FIR as Ext. 1 and Ext. 1 (1) as his signature.

- 9.** During the cross-examination, PW1 stated that he did not remember the date on which the forest officer called him. The FIR was written by his relative when he was under treatment at his home and after reading it he signed it. Police recorded his statement. PW 1 denied the suggestion that he did not state before the police that the forest officer team called him and thereafter they came to pick him up. PW1 further stated that he did not remember whether he stated it in the FIR that the forest officer team called him and thereafter they came to pick him up. The elephants entered at the spot at around 10:40 to 11 PM. Accused Sri Rakesh Praja was with the driver, as a helper for the tractor. The tractor was parked on "tinali" and near that place was the house of the accused Sri Sudeep Singha. The tractor was parked on the side of the road near the field. When PW1 went to ask the driver of the tractor to remove the tractor there were no one else there with him. He himself tried to remove the parked tractor. PW1 denied the suggestion that he was not instructed by the forest team to remove the tractor and the elephants were going from the opposite side. In the place of occurrence, more than 50 persons were present. He also denied the suggestion that He was under intoxication on that day. From the place of occurrence his house is located at a distance of about 1/2 km. PW 1 further stated that he knew that on the same day, one tractor was damaged by the elephants and the driver of that tractor was also injured. On that day, elephants were being chased by four tractors and the tractor which was parked on the way was one of them and it was parked about 5-10 minutes back. PW1 denied the fact that the forest department asked to remove the parked tractor. He also denied the fact that he forcefully asked the accused persons to remove the parked tractor and they said that as they were instructed by the forest department to keep the tractor they refused. PW1

denied the suggestion that he physically assaulted the accused Sri Sudeep Singha with the torch and he was neither called nor picked up by the forest department. He also denied the fact that as he was under intoxication, he created nuisance and physically assaulted the accused persons and the accused persons did not assault him. The accused persons also lodged one case against him regarding the same incident. PW1 also denied the suggestion that no such incident happened and as he was a powerful person, he had falsely lodged this case in order to cover up the incident.

- 10. PW2 Babul Prasad**, deposed that he knew the informant and the accused persons. Around 2 or 2½ year back, at night when they were chasing the elephants, he heard that one Rohit Pariga was physically assaulted. PW2 had not seen who had committed the assault but later on, he came to know that the accused Sri Sudeep Singha had committed the assault.
- 11.** During the cross-examination, PW2 stated that he did not remember from whom he came to know that the informant was assaulted. On that day, the accused Sudip Singh was also taken to hospital. Accused Sri Sudeep Singha was also injured on his head. PW2 denied the suggestion that as per instruction of the informant, he had taken the name of the accused Sudeep and accordingly, he had deposed in his favour.
- 12. PW3 Mangal Nayak**, deposed that he knew the informant and the accused persons. Around 5 months back at night the forest official went to chase elephants. He heard that there was some quarrel and in that quarrel the informant was injured. There was marpit with the accused persons and during that marpit, the informant was injured.
- 13.** During the cross-examination, PW3 stated he did not know whether the informant was in a drunken state or not. He did not know how the informant sustained injuries. PW3 had not seen the incident. He was not present at the place of occurrence and later on he came to know about it. PW3 further stated that the informant is his uncle and he resides near his house. PW3 denied the suggestion that as per instruction of the informant, he had falsely deposed that there was some quarrel and the accused was not injured.
- 14. PW 4 Buchu Tanti** deposed that he know both the informant and the accused persons. About 8/9 months back at around 11 PM, he was chasing elephants at the garden. The informant called the driver of the tractor but he did not come and there was some quarrel between the informant and the accused Sri

Sudeep Singha. There was some marpit between them and PW4 saw the accused Sri Sudeep Singha running away. The informant was injured on his head as he was hit with a "kodal". The accused Sudeep Singha assaulted the informant with the kodal. PW4 further stated that after that, they took the informant to Hatigarh hospital for treatment.

- 15.** During the cross-examination, PW4 stated that the distance between the house of Sri Sudeep Singha and Rakesh Praja is about 1 km. PW4 did not see the accused Rakesh Praja on the place of occurrence and did not see the marpit. He did not see the accused Sri Sudeep Singha hitting the informant with the "kodal" but he saw him running with the "kodal". He did not know as to whether the informant was under intoxication or not. The informant had a torch with him. The informant fell down on the road. There were some stones on the road where the informant fell down. PW4 denied the fact that the informant was injured as he fell down on the road by drinking alcohol and the accused Sri Sudeep Singha assaulted the informant. PW4 stated that the tractor about which he mentioned in his chief was being driven the two drivers namely Sankar Karmakar and Mahendara Malik. PW4 chased the accused Sri Sudeep Singha in order to send him to the police. PW4 further suggested that he and the informant physically assaulted the accused Sri Sudeep Singha with the torch and the accused Sri Sudeep Singha became senseless as he was hit by him and the informant. He also denied the fact that as he and the informant hit the accused Sri Sudeep Singha together as such he had falsely deposed in favour of the informant. PW4 further denied the suggestion that he did not state before the police that the accused Sri Sudeep Singha hit the informant with the "kodal" and the informant fell down and he took him for medical. PW4 also denied the suggestion that he did not state before the police that the informant sustained injuries due to the attack and the accused Sri Sudeep Singha was fleeing away after attacking the informant. PW4 however stated that he stated before the police that the quarrel took place as the informant instructed to light the torch. PW 4 denied the suggestion that as he is a friend of the informant, he had deposed in his favour and no such incident occurred.

- 16. PW5 Dr. Bikram Aditya Daimari, the Medical Officer,** deposed that on 23.06.2020 at about 1.24 AM, he examined Rohit Pariga, age 34 year, male and found the following injuries-

**Laceration on scalp.**

**Frontal and parietal region, 2X2 cm.**

In his opinion the injury was simple and caused by blunt weapon. PW5 identified the **medical report** as **Ext. 2** and Ext. 2 (1) his signature.

- 17.** During the cross-examination, PW5 stated the age of the injury had not been mentioned in the report. He further stated that the injury can also be caused due to falling and being hit. The case number in connection with which the accused was brought to PW5 had not been mentioned in his report. PW5 also stated that apart from the injury as mentioned the victim was in sound condition.
- 18.** **PW6 ASI Munnaf Ali**, the Investigating Officer of this case, stated that on 23.06.2020 he was posted at Harisinga Police Station. On that day, Rohit Pariga lodged an FIR at Harisinga Police Station. On 22.06.2022 at about 2 AM, they received a phone call complaining that there was some altercation and marpit. On the next day, the FIR was lodged. PW6 was entrusted as the Investigating Officer and accordingly, he visited the place of occurrence, examined the witnesses, took the victim for medical examination and seized one vest and shirt with blood. The shirt was white colour. PW6 drew the sketch map, arrested the accused persons. The accused persons were forwarded to court. PW6 collected the medical report. On completion of the investigation, he handed over the Case Diary to the Officer-in-Charge. PW6 identified the sketch map and the seizure-list as Ext. 3 and Ext. 4 respectively and Ext. 3 (1) and Ext. 4(1) as his signatures.
- 19.** During the cross-examination, PW6 stated that after receiving the phone call, they reached the place of occurrence. They found the informant at the place of occurrence. When they asked the informant as to what had happened, the informant had stated before us that there was a marpit. There were around 4 to 5 persons in the place of occurrence. They did not find the accused persons at the place of occurrence. After lodging the FIR, the accused persons were apprehended. PW6 further stated that he arrested the accused persons from their houses. The shirt and the vest that was seized were handed over to him by the informant at the place of occurrence. There was blood on the informant's body. The incident happened on the road and on both the sides of the road there were several houses. PW6 further stated that the house of one Jiten Sabar was situated near the spot but he had not been made witness. The residents near the place of occurrence had not been made the witnesses. PW6 further deposed that PW4 did not state before him that the informant fell down

and he took him for medical. PW4 did not state before PW6 that the informant sustained injuries due to the attack and the accused Sri Sudeep Singha was fleeing away after attacking the informant. PW6 denied the suggestion that he had not investigated the case properly and submitted charge-sheet against the accused persons.

**20. PW7 SI Premankur Hazarika** deposed that he only submitted the charge-sheet against the accused persons namely Rakesh Praja and Sudeep Singh U/S 341/32/34 of IPC. PW 7 had not done the investigation. PW7 identified the charge-sheet as Ext. 5 and Ext. 5 (1) as his signature. His cross-examination was declined by the defence.

**21.** For better appreciation, firstly I would like to mention what Section 341 and Section 323 of I.P.C. speaks.

**Section 341 in The Indian Penal Code:**

**341. Punishment for wrongful restraint. — Whoever wrongfully restrains any person shall be punished with simple imprisonment for a term which may extend to one month, or with fine which may extend to five hundred rupees, or with both.**

**Section 323 in The Indian Penal Code:**

**323. Punishment for voluntarily causing hurt. — Whoever, except in the case provided for by Section 334, voluntarily causes hurt, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both.**

**22.** On close perusal of the prosecution story it reveals from the version of PW 1 that in the month of May/June, 2020 he was called to chase the elephants at Khairbari Block Labour Quarter area. Then he asked the tractor driver to remove the tractor from the spot. Accordingly, the Ranger Team came and picked him up to the spot. In response to this, the accused Sri Sudeep Singha came and stopped him and also pushed him and thereby, the torch light in his hand accidentally hit him. The other accused namely Sri Rakesh Praja caught hold of his neck and put him down on the ground and then the co-accused Sudeep Singha brought a "kodal" (Spade) and hit him on his head. Thereby he became unconscious and thereafter got seven stitches on his head.

**23.** Here, PW 4 claimed that there was quarrel and marpit between the informant



and the accused Sri Sudeep Singha and he saw the accused Sri Sudeep Singha run away from the spot. In cross-examination he added that he saw the accused Sri Sudeep Singha running away with the said "Kodal".

**24.** In the ejahar i.e. Ext. 1 it is stated by the informant that initially Sri Rakesh Praja engaged into an altercation with him and with intent to physically assault, rolled him down on the ground. Moreover, the co-accused Sri Sudeep Singha hit him severely with a spade (Kodal) with intent to kill him.

**25.** In **Shivalingappa Kallayanappa Vs State of Karnataka, 1994 Supp (3) SCC 235** the Hon'ble Apex Court held that "*the deposition of the injured witness should be relied upon unless there are strong grounds for rejection of his evidence on the basis of major contradictions and discrepancies for the reasons that his presence on the scene stands established in case it is proved that he suffered the injury during the said incident*".

**26.** In another case Balraj @ Trimbak Vs State of Maharashtra, (2010) 6 SCC 673 the Hon'ble Apex Court held that :

*".....testimony of an injured witness is given importance. When the eye witnesses are started to be interested and inimically disposed towards the accused it has to be noted that it would not be proper to conclude that they would shield the real culprit and rope in innocent persons. the truth or otherwise of the evidence has to be weighed pragmatically. The court would be required to analyse the evidence of related witnesses and those witnesses who are inimically disposed towards the accused. But if after careful analysis and scrutiny of their evidence, the version given by the witnesses appears to be clear, cogent and credible, there is no reason to discard the same. Conviction can be made on the basis of such evidence."*

**27.** Learned defence counsel highlighted that although it was claimed by the prosecution side that the accused hit the informant with a spade but the Investigating Officer of his case has not seized the same and the Medical Officer also in his Medical Report **Ext. 2** stated that the nature of the injury was simple caused by blunt weapon. In response to this, I would like to mention here that admittedly and evidently the Investigating Officer has not seized the weapon of offence and as PW 4 clearly stated in his examination in

chief as well cross examination that he saw the accused running away from the place of occurrence, therefore, the same may not be available in the spot and the said Investigating Officer may not seize the same. Defence has failed to shake the evidence of PW 4 in this context.

- 28.** Moreover, PW 5 in his Medical Report corroborated the prosecution story. He has stated that on 23-06-2020 at 11:24 AM he examined the patient at Harisinga Model Hospital and according to him, the injury was **Laceration on scalp, the size of Frontal and parietal region was 2X2 cm.** In his opinion the injury was simple and caused by blunt weapon.
- 29.** Defence also directly admitted the said injury of PW 5 by putting suggestion that the said injury may cause by falling and by hitting. Generally spade is considered as a sharp weapon. But if we consider it minutely, it appears that one side of the spade is used for digging soil and the remaining three parts are blunt and here, PW 1 not claimed that he was hit by the sharp side of the spade. Since the evidence of PW 1 that he was hit with a spade and the Medical Officer who examined him within 2 to 3 hours of the incident at night and found laceration on the scalp of the victim and in his cross-examination he also admitted that such injury may also be caused by hitting. Therefore, there is no room doubt that the accused Sudeep Singha hit the victim with a spade.
- 30.** Herein, other PWs i.e. PW 2 stated that 2 to 2 ½ months back one night while they were chasing the elephants he heard that one Rohit Pariga was assaulted. He also stated that he came to know that the accused Sudeep Singha had committed the said assault. Similarly, PW 3 also heard that there was some quarrel when the Forest Officials came to chase the elephants from the place and in that quarrel the informant was injured as there was marpit with the accused persons. So, the testimonies of PW 2, PW 3 and PW 4 correspond to the testimony of the informant and their testimonies further strengthened the case of the prosecution. During cross examination the defence pointed out that the accused Sudeep Singha was also injured on his head for which he had to be taken to hospital and the said accused was also taken to hospital on the night of the occurrence. Here, the informant as well as other prosecution witnesses have clearly conceded the same in their respective cross examinations; even the informant has also mentioned in the ejahar that initially the torch light in his hand accidentally fall on the head of Sudeep Singha and hit. Although Sudeep may sustain injury but it does not mean that the present

victim i.e. PW 1 is not the victim of this case. The injuries sustained by the present victim are also manifested by proving the Medical Report by the PW 5 i.e. the Medical Officer.

- 31.** Again, learned defence counsel has argued that the informant was intoxicated at the time of occurrence. But in my opinion, the prosecution witnesses denied the suggestions put by the defence in their respective cross examinations and the Medical Officer who examined the victim only two to three hours of the incident but the Ext. 2 is total silent that the victim was under influence of alcohol.
- 32.** According to the defence, the informant had come to the spot without any authority as PW 1 himself has stated in his examination in chief that on May/June, 2020 he received a phone call from the forest officer stating that a group of elephants entered into the Khairabari B Block area which is a labour quarter area and he was called to that place and when he reached, the Ranger Team came and picked him up and then went to the B Block. However, PW 1 being the informant in the ejahar mentioned that he was available at the chowk of B Block of Khairabari Tea Estate and when some personnel of the Forest Department and the Beat Officer called him and public gathered. Thus, the informant himself differently stated that he was brought to the spot by the Officials of Forest Department or he was called by the Forest Department and he was available at the spot. Here, there is no evidence that the Forest Department called the informant or brought him to the spot. But here, the presence of the victim is clear from the evidence of the informant as well as other prosecution witnesses. Therefore, presence of the victim is undisputed facts. For the sake of argument that the victim was present there at the spot without any authority. But it does not provide any licence to the accused persons to hit or assault the victim for which he had to take medication.
- 33.** More so, the Investigating Officer i.e. PW 6 of this case also seized the shirt and vest of the informant as handed over him by the informant at the place of occurrence. There was blood at the informant's body and the head of the informant was bleeding.
- 34.** During cross examination the defence side urged that although one Sri Jiten Sabor who was nearby resident of the place of occurrence, but he has not listed him as witness. It is a settle position of law that it is not necessary to examine every person who resides nearby the place of occurrence to establish

the case. It is for the defence to examine such persons as defence witness in support of their case.

- 35.** Although the prosecution witnesses PW 2, PW 3 and PW 4 are silent in their respective testimonies about the presence of the accused Sri Rakesh Praja but the victim, who is the informant clearly stated that the other accused caught hold of his neck, put him down on the road and then the accused Sudeep Singha brought a kodal and hit him on his head. Likewise, in the ejahar he mentioned that initially accused Rakesh Praja engaged with an altercation with him and with intent to assault he pushed and rolled him down and then the other accused person had hit him with a kodal. Here, in this context, the evidence of PW 1 remained intact. In cross examination, nothing could be elicited by the defence to distort the fact that the presence of the other accused and his role in the alleged incident.
- 36.** Here, PW 1 in his ejahar mentioned that the accused Sudeep Singha came and stopped him, pushed him at the place of occurrence at B Block, Khairabari Tea Estate and at that moment, the accused Rakesh Praja came and caught hold of his neck, put him down on the road and then the accused Sudeep Singha brought a 'kodal' and hit him on his head. Thus, the act of the accused appears to be intentional.
- 37.** Both the accused persons committed the offences in their common intention which is envisaged under Section 34 of Indian Penal Code. For the sake of convenience, I would like to draw a citation of our Hon'ble High court in case of SARAFAT ALI VS. STATE OF ASSAM reported in (1993) I GLR 348 held that :

***"Common intention to commit an offence coupled with participation in action in furtherance of the common intention will attract [Section 34](#). Each of the participants need not necessarily have struck the fatal blow or any blow. It is sufficient if he participates in joint action in some manner. When an offence is committed in pursuance of the common intention each and every one of the accused is responsible for the acts of every other in furtherance of the common intention".***

- 38.** Similarly, in **Virendra Singh Vs State of Madhya Pradesh, JT 2010(8) SC 319** the Hon'ble Apex Court observed that :

***“Section 34 IPC does not create any distinct offence, but it lays down the principle of constructive liability. Section 34 IPC stipulates that the act must have been done in furtherance of the common intention. In order to incur joint liability for an offence there must be a pre-arranged and pre- meditated concert between the accused persons for doing the act actually done, though there might not be long interval between the act and the pre-meditation and though the plan may be formed suddenly. In order that section 34 IPC may apply, it is not necessary that the prosecution must prove that the act was done by a particular or specified person.”***

- 39.** Thus, from the evidence on record, I find that the prosecution has been able to prove the offences U/S 341/323/34 I.P.C. against the accused persons beyond all reasonable doubt. In the result, both the accused are held guilty for commission of offences U/S 341/323/34 I.P.C.
- 40. Heard** the accused persons on the **proposed sentences**. The accused prayed for leniency before the court they are poor people and only bread earner of their respective families and prayed to take lenient view. The accused Sudeep Singha came and stopped him, pushed him at the place of occurrence at B Block, Khairabari Tea Estate and at that moment, the accused Rakesh Praja came and caught hold of his neck, put him down on the road and then the accused Sudeep Singha brought a 'kodal' and hit him on his head. Thus, the act of the accused appears to be intentional one and as such type of crimes in the rustic tea garden areas are increasing. If the accused are released scot free it would convey a wrong message to the society. Hence, I am not inclined to extend any benefit of **probation** to the accused persons.

**O R D E R**

- 41.** Accordingly, accused Sri Rakesh Praja and Sri Sudeep Singha are convicted U/S 341/323 read with Section 34 I.P.C. and they are sentenced to undergo **Simple Imprisonment** for a term of **ten (10) days** and to pay a **fine of Rs. 500/- (Rupees five hundred)** only each for the offence committed U/S 341/34 I.P.C. and in default of payment of the fine amount, they shall further undergo **Simple Imprisonment for a period of seven (7) days**. Further, they are sentenced to undergo **Simple Imprisonment** for a term of **fifteen (15) days** and to **pay a fine of Rs. 500/- (Rupees five**

**hundred)** only each for the offence committed **U/S 323/34 I.P.C.** and in default of payment of the fine amount, they shall further undergo **Simple Imprisonment for a period of ten (10) days.**

- 42.** On realization of the fine amount, the same shall be given to the victim immediately.
- 43.** The period of detention already undergone by the accused persons, if any, in the jail hajot as UTP shall be set off from the substantive period of sentences so imposed. Both the sentences shall run concurrently.
- 44.** Supply free copies of the judgments to the accused persons.
- 45.** Send a copy of this judgment to the District Magistrate, Udalguri for kind information as per provision of Section 365 Cr.P.C.

The Judgment is delivered in the open Court and tagged with the case record.

Given under my hand and seal of this court on this 30<sup>th</sup> day of December, 2021 at Udalguri, Assam.

**Dictated and corrected by me:**

**(Ranjita Agarwalla)**  
Chief Judicial Magistrate  
Udalguri, Assam.

**(Ranjita Agarwalla)**  
Chief Judicial Magistrate.  
Udalguri, Assam.

**APPENDIX**

- A. Prosecution witnesses : **PW 1 Rohit Pariga(informant)**  
**PW 2 Babul Prasad**  
**PW 3 Mangal Nayak**  
**PW 4 Buchu Tanti**  
**PW 5 Dr. Bikram Aditya Daimari**  
**PW 6 ASI Munnaf Ali**  
**PW 7 SI Premankur Hazarika.**
- B. Defence witness : **Nil.**
- C. Documents exhibited : **Ext. 1 Ejahar.**  
**Ext. 2 Medical report**  
**Ext. 3 Sketch map**  
**Ext. 4 Seizure-list**  
**Ext. 5 Charge-sheet.**

**(Ranjita Agarwalla)**  
Chief Judicial Magistrate  
Udalguri, Assam.