

IN THE COURT OF SUB-DIVISIONAL JUDICIAL MAGISTRATE (M), MARGHERITA

PRESENT: -SUNDEEP KASHYAP DAS, LL.M, ASSAM JUDICIAL SERVICE

DATE OF JUDGMENT: -21.05.2022

CASE NO-G.R 721 of 2016

COMPLAINANT	STATE OF ASSAM
REPRESENTED BY	B. PURKAYASTHA ASSISTANT PUBLIC PROSECUTOR FOR THE STATE
ACCUSED	JOHN HANSIK S/O-Late CHANGLANG HANSIK R/O-NO-3, MAKUMPATHAR, CHIRAGAON P.S-MARGHERITA DISTRICT-TINSUKIA
REPRESENTED BY	FARIDA BEGUM ADVOCATE FOR THE ACCUSED

DATE OF OFFENCE	27.10.2016
DATE OF F.I.R	31.10.2016
DATE OF CHARGE-SHEET	28.11.2016
DATE OF FRAMING OF CHARGES	30.12.2016
DATE OF COMMENCEMENT OF EVIDENCE	12.01.2017
DATE ON WHICH JUDGMENT IS RESERVED	21.05.2022
DATE OF JUDGMENT	21.05.2022
DATE OF THE SENTENCING ORDER, IF ANY	NO

Rank of the Accused	Name of accused	Date of Arrest	Date of Release on Bail	Offences charged with	Whether acquitted or convicted	Sentence imposed	Period of detention undergone during trial
	JOHN HANSIK	1.11.16	12.01.17	S. 380 IPC	Acquitted	-	72 days

JUDGMENT

BRIEF FACTS OF PROSECUTION'S CASE

1. On 31.10.2016, informant has lodged an F.I.R stating inter alia that on 27.10.2016 at about 08:00 p.m., 2 (two) no of pigs and 1 (one) duck were stolen from his farm house by the accused. Hence, the informant filed this instant case for taking necessary action.

INVESTIGATION

2. On receipt of *ejahar*, the police registered a case *Margherita* P.S 261/2021. After completion of investigation, the police submitted a charge-sheet for the offence under section 380 of Indian Penal Code (hereinafter referred to as 'IPC') against the accused person namely ***JOHN HANSIK.***

APPEARANCE OF THE ACCUSED PERSON

3. The accused was called upon to enter trial and upon his appearance, copies of relevant documents u/s 173 Cr.P.C were furnished to him in compliance with section 207 Cr.P.C.

CHARGE

4. Upon considering the relevant documents u/s 173 Cr.P.C and police report, charge was framed u/s 380 of IPC against the accused person to which he pleaded not guilty and claimed to be tried.

WITNESSES EXAMINED AND DOCUMENTS EXHIBITED

5. The prosecution has examined 2 (two) witnesses and exhibited 1 (one) no of documents.

STATEMENT DEFENCE OF THE ACCUSED u/s 313 Cr.P.C

6. The examination of the accused has been dispensed with as there are no incriminating materials against him.

POINT FOR DETERMINATION

Whether, on 27th day of October, 2016 at about 08:00 p.m., the accused, committed theft of 2 (two) no of pigs and 1 (one) duck from the farm house of the informant, Sri Ajit Bezbaruah used for the custody of his animals and thereby committed an offence punishable u/s 380 of IPC?

DISCUSSION, DECISIONS AND REASONS THEREOF

EVIDENCE OF P.W.1 [THE INFORMANT cum VICTIM]

7. P.W.1, Sri ***AJIT BEZBARUAH*** has deposed that he is the informant cum victim of this case. He has stated that he had lodged the case out of certain misunderstanding. At present, he does not want to continue the case as he had amicably settled the matter with the accused. Defence has declined to cross-examine the said witness.

JUDICIAL DETERMINATION

8. The standard of proof in criminal law is to prove the guilt of the accused beyond reasonable doubt. Basic allegations against the accused reveals from the brief facts of prosecutions' case as stated above. Question arises whether prosecution has been able to discharge the burden?
9. Prosecution manage to examine the primary witness in this case, i.e. the informant cum victim. From the evidence that has been brought on record, it is seen that no offence has been made out against the accused person under any section of law. Both parties are not at loggerheads

anymore and further bear no animosity towards one another.

DECISION

The above point is decided in negative and goes in favour of the accused

ORDER

In view of the discussions made above and the decisions reached in the foregoing points for determination, it is held that the prosecution has failed to prove beyond reasonable doubt that the accused person, ***JOHN HANSIK*** has committed the offence under section 380 of IPC as alleged and as such he has been acquitted of the charge under said section of law and he be set at liberty forthwith.

His bail bond shall remain in force for another six months from today.

This judgment is given under my hand and seal of this court on this 21st day of May, 2022

The case is disposed of on contest.

SUNDEEP KASHYAP DAS

SUB-DIVISIONAL JUDICIAL MAGISTRATE (M)

MARGHERITA

APPENDIX

LIST OF PROSECUTION/DEFENCE/COURT WITNESSES

A. PROSECUTION:

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
PW1	<i>AJIT BEZBARUAH</i>	INFORMANT cum VICTIM
PW2	<i>SUKLAL SOREN</i>	OTHER WITNESS

B. DEFENCE WITNESS, IF ANY

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
-	-	-

C. COURT WITNESSES, IF ANY

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
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LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS

A. PROSECUTION:

Sr. No	EXHIBIT NUMBER	DESCRIPTION
1	Exhibit P-1/PW1	FIRST INFORMATION REPORT

B. DEFENCE

Sr. No	EXHIBIT NUMBER	DESCRIPTION
-	-	-

C. COURT EXHIBITS:

Sr. No	EXHIBIT NUMBER	DESCRIPTION
-	-	-

D. MATERIAL EXHIBITS:

Sr. No	EXHIBIT NUMBER	DESCRIPTION
-	-	-

SUNDEEP KASHYAP DAS

SUB-DIVISIONAL JUDICIAL MAGISTRATE (M)

MARGHERITA