

IN THE COURT OF THE CHIEF JUDICIAL MAGISTRATE:: DIMA HASAO, HAFLONG

G.R CASE NO-238/2018

U/S- 341/352/294/506 I.P.C.

The State

-Vs-

Jokmon Sengyung.

PRESENT:- Sri Bankim Sarma, AJS
C.J.M, Dima Hasao, Haflong



For the Prosecution : Mr.Md.Fakharuddin Ahmed Choudhury.....Learned A.P.P.
For the Accused person : Sri. Jaujit Thaosen..... Learned Defense Advocate.

Date of prosecution evidence : 16/05/19.

Date of Argument : 16/05/19.

Date of Judgment : 16/05/19.

16/5/19
Chief Judicial Magist-
Dima Hasao, Haflong

JUDGMENT

1. Case of the Prosecution in brief is that informant Smt. Monen Sengyung filed an FIR on Dt: 22/11/18 before the O/C of Diylumkh P.S stating inter-alia that on 17/11/18 at about 10 pm the accused Jokmon Sengyung S/o-Polendra Sengyung, Vill- Jaramdisa had assaulted him and snatched away the seal of G.B and also damaged some musical instruments(Dhol, Flute, etc of Dimasa people) while a cultural programme was going on at their village. Further he threatened some other villagers also.

2. On receipt of the ejahar, the O/C of Diylumkh P.S, registered a P.S case no.12/2018, u/s-341/323/379/427/506 I.P.C. and after completion of investigation the I/O filed the charge-sheet against the accused person u/s- 341/352/294/506 I.P.C. This Court finding a prima facie case against the accused person; took cognizance of the offences u/s- 341/352/294/506 of I.P.C and proceed for disposal.

3. The accused person appeared before this court and was released on bail. Particulars of the offences u/s- 341/352/294/506 of I.P.C against the accused person were explained to him to which he pleaded not guilty and claimed to be tried.

4. In order to bring home the charges, prosecution examined one (1) witness in the form of:-

1. P.W.1: Sri. Monen Sengyung.



POINTS FOR DETERMINATION

5. To ascertain the guilt of the accused person on the charges leveled against him, the following points are sorted out for decision in the present case:

Whether on that day the accused person committed the offences u/s- 341/352/294/506 I.P.C. against the complainant as alleged or not?

The accused person was examined u/s.313 Cr.P.C. I have heard argument of both the learned Counsels.

All the prosecution evidence are explained carefully. He denied all the allegations leveled against him.

16/5/19
Chief Judicial Magistrate
Dima Hasao, Haflong

DISCUSSION, DECISION AND REASONS THEREOF:

6. To decide above points let us make a scrutiny of the evidence led by the prosecution in support of this case.

7. (i) P.W.1. Sri. Monen Sengyung stated that he is the complainant. He put his thumb impression in the F.I.R. He does not want to proceed with this case. They have compromised the dispute.

During cross examination he stated that the accused is his cousin brother. He has no objection if the accused is acquitted from this case.

8. After careful scrutiny of evidence on record it appear to me that prosecution could not incriminate the accused person in this case . Rather P.W.1 stated that he does not want to proceed with the case and they have compromise the dispute. He has no objection if the accused is acquitted from this case.

9. From the above appraisal and the application of law, I find that the prosecution has failed to established the offences u/s-341/352/294/506 I.P.C. against the accused person beyond all reasonable doubt. Therefore, the accused person is acquitted from the charges u/s-341/352/294/506 I.P.C on benefits of doubt and set at liberty forthwith.

10. Bail-bond is extended upto six(6) months as per section 437-A Cr.P.C.

11. Given under my hand and seal of this court on this 16th day of May, 2019 at Haflong.
Dima Hasao.



(Bankim Sarma)
Chief Judicial Magistrate
Dima Hasao, Haflong.

APPENDIX

G.R CASE NO- 238/2018

U/S- 341/352/294/506 I.P.C.

Prosecution Witness : 1. P.W.1 : Sri. Monen Sengyung.

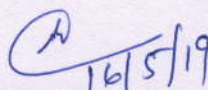
Denfense Witness (D.W.): none

Court Witness(C.W.) : none

Documents exhibited by the prosecution side: (1) Ext.1 F.I.R

Documents exhibited by the defense side: none




(Bankim Sarma)
Chief Judicial Magistrate
Dima Hasao, Haflong.
Dima Hasao, Haflong.