

ক্রমিক নম্বর	আদেশের সন, তারিখ	আদেশ	দা/কামের স্বাক্ষর	পক্ষাপক্ষের স্বাক্ষর ও মন্তব্য
১	২	৩	৪	৫
	12.6.14	PRC-03-of 2013 Today is fixed for examination of the accused person U/S 313 of Cr.P.C. Ld. A.P.P is present. Accused Sri Arjun Debnath on bail is present by filing his memo of appearance. Perused the case record and on perusal of the of the case record, I find that there is no incriminating materials of offence against the alleged accused person for examining him U/S 313 of IPC and as such examination of the accused person is withheld. This case arose out from the complaint filed by SI Ram Kumar Debbarma which was registered as Shilachari PS case No.01/13 under section 279 and 338 of IPC. The brief fact of the prosecution case is that on 02.01.13 at about 4.15 pm when the complainant Ram Kumar Debbarma along with Gonstable Mahendra Chakma were returning to PS from Ailmara SPO camp after performing duty by riding government motor bike bearing No.TR-03-1163 and constable Mahendra Chakma was the driver of the said motor bike and the complainant Ram Kumar Debbarma Contd..		



ক্রমিক নম্বর	আবেদনের সন, তারিখ	আবেদন	দায়িত্ব স্বাক্ষর	পরিচালকের স্বাক্ষর ও মুদ্রা
১	২	৩	৪	৫
	Contd. 12.6.14	PRC-03/2013 was the pillion driver. On way, while the offending vehicle bearing No.TR-03-B-0512 (Scorpio) driven by the alleged accused Arjun Debnath was coming from the opposite direction with heavy speed and rashly dashed the motor bike, as a result, the complainant and the bike rider Mahendra Chakma sustained injury on their person. The victims were shifted to the hospital for treatment. On being summoned, the accused namely, Arjun Debnath appeared before the court and accused copy was supplied to him as per provision of section 207 of Cr.P.C. Accordingly, he was examined under section 251 of Cr.P.C and read over the accusation of offence punishable under section 279, 337 and 338 of IPC to which he pleaded not guilty and claimed to be tried according to law. During trial prosecution examined as many as nine witnesses. In this case, prosecution failed to examine the complainant Ram Kumar Debbarma as witness. PW-1 Sri Karanjay Reang and PW-2 Sri Indrajit Pal they were posted as Constable and SPO respectively at Shilachari PS. On that day at about one year back they got information that SI Ram Kumar Contd..		

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	Contd. 12.6.14	PRC-03/2013 Debbarma met with an accident and they along with O/C Shilachari PS went to the spot and rescued Ram Kumar Debbarma and Mahendra Chakma and shifted them to Shilachari hospital. PW-3 Sri Nishong Mog deposed that at about one year back at 3.30 pm while he was present at his home and heard that an accident took place near to his house and he went to the spot and found that one motor bike and Scorpio vehicle were lying beside the road. PW-4 Sri Mahendra Chakma deposed that on 02.01.13 at 5.30 pm when he along with SI Ram Kumar Debbarma after completion of their duty were returning to Shilachari PS and while reached at Ailmara, they met with an accident and he sustained bleeding injury and became senseless. Thereafter, they were shifted to the hospital. PW-5 Sri Uttam Sutradhar deposed that at about one year back police seized one motor bike bearing No.1163 in his presence. PW-7 Dr. Chandan Mallik deposed that on 20.01.13 being Medical Officer he examined one patient namely, Mahendra Chakma. PW-8 Sri Jaharlal Sarkar deposed that at about one year back he got an information over telephone that his vehicle bearing No.TR-03-B-0512 met with an accident and the vehicle was seized by the police of Shilachari PS. PW-9 SI Biswajit Das, Contd..		

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	Contd. 12.6.14	PRC-03/2013 IO of this case categorically stated about the procedure of the investigation. On perusal of the evidence of prosecution witnesses, I find that none of the witnesses stated that they saw the incident. None of the prosecution witnesses also revealed the number of the motor bike and also the number of the Scorpio vehicle. Most of the witnesses stated that they heard that an accident took place at Ailmara, but none of the prosecution witnesses deposed that accident occurred due to rash and negligent driving by the driver of the offending vehicle. There is no single whispering against the driver of the vehicle that due to his rash and negligent driving, the accident occurred. As such, I find no incriminating evidence to examine the accused under section 313 of Cr.P.C. Accordingly, examination of the accused under section 313 of Cr.P.C is withheld. Under the above facts and circumstances, I find no incriminating materials of offence against the accused. Accordingly, accused person namely, Sri Arjun Debnath is acquitted of the charge framed against him punishable under section 279, 337 and 338 of IPC in accordance with the provision of section 248 of Contd..		

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	Contd. 12.6.14	PRC-03/2013 Cr.P.C. and he is set at liberty. His surety is also discharged from the liability of the bail bond. Disposed of the seized articles, if any, after following legal formalities. Thus, the case is disposed of on contest. Make necessary entry in the Trial Register. PRONOUNCED.		

As dictated.

Sub-Divisional Judicial Magistrate
Sabroom, South Tripura

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Arjun Deb Nath