

**IN THE COURT OF CHIEF JUDICIAL MAGISTRATE,
NALBARI**

Present : Imdad Ahmed, Chief Judicial Magistrate, Nalbari.

Date of Judgment – 29/09/2022

Case – G.R no. 144/2010

The case arose out of FIR lodged by informant Sri T.P Bhusal, registered on 23/02/2010 vide Nalbari P.S case no. 89 u/s 420/468/408/34 IPC under Nalbari District.

Complainant :	State of Assam Or Name of the complainant (Sri T.P Bhusal)
Represented by	Mr. D. Talukdar (Ld. APP)
Accused	1. Sri Jatindra Nath Kalita / A-1, S/o – Lt. Sonaram Kalita, Vill – Tilona, PS & Dist – Nalbari; 2. Sri Paresh Barman / A-2, S/o – Lt. Arun Barman, Vill – Rajnagar ward no. 2, PS & Dist – Nalbari; 3. Smti Bibha Dutta / A-3, W/o – Paresh Barman, Vill – Rajnagar ward no. 2, PS &

	<p>Dist - Nalbari;</p> <p>4. Smti Sewali Das / A-4, W/o – Sri Haren Kalita, Vill – Bidyapur college road, PS & Dist – Nalbari;</p> <p>5. Sri Ranjit Das / A-5, S/o – Lt. Bhumidhar Das, Vill – Barpeta Gandhi Nagar, PS & Dist – Barpeta;</p> <p>6. Sri Pabitra Kr. Baishya / A-6, S/o – Lt. Dulal Baishya, Vill – Suwalkuchi, PS – Suwalkuchi, Dist – Kamrup.</p>
Represented by	<p>Mr. Tazuddin Ahmed, Smti Anjali Barman, (Ld. Defence Advocates)</p>

Date of Offence	23/02/2010 or prior to that
Date of FIR	23/02/2010
Date of Charge sheet	30/06/2012 vide Charge sheet no. 256
Date of Framing of Charges	20/01/2018
Date of commencement of evidence	30/07/2018
Date on which judgment is reserved	12/08/22, 26/08/22, 09/09/22, 19/09/22
Date of Judgment	29/09/2022
Date of the Sentencing Order, if any	N/A

J U D G M E N T

PROSECUTION CASE:

1. The prosecution case in brief as unfolded from the FIR dated 23/02/2010 filed by the informant Sri T.P Bhusal is that he lodged the FIR (as directed by the Deputy Commissioner) against the erring officials of District Transport Office for forgery in issuing driving license. The informant along with the FIR had also submitted an enquiry report and based on that report, the Commissioner Transport had conveyed the instruction of Minister P&RD and Transport vide letter no. CT/SNB/2010/Enquiry/57 dated 17/02/2010 to lodge an FIR and as such the informant being the Sub-Divisional Officer (Sadar), Nalbari requested the O/c Nalbari PS to investigate the matter thoroughly. Hence the case.

2. The said FIR was received and registered as Nalbari PS case no. 89/2010 u/s 420/468/408/34 I.P.C dated 23/02/2010. After completion of investigation charge-sheet no. 256 dated 30/06/2012 was submitted against accused persons namely Sri Jatindra Nath Kalita, Sri Paresh Barman, Smti Bibha Dutta, Smti Sewali Das, Sri Ranjit Das and Sri Pabitra Kr. Baishya u/s 408/420/468/34 I.P.C. Copy was furnished to the accused persons. Charge u/s 468/420/408/34 IPC was framed, read over and explained to the accused persons to which the accused pleaded not guilty and claimed to be tried.

3. POINTS FOR DETERMINATION

(i) Whether the accused persons in the year 2010 or prior to that in furtherance of common intention forged documents relating to driving license, intending that same be used for cheating and thereby committed an offence punishable u/s 468/34 of IPC?

(ii) Whether the accused persons in the year 2010 or prior to that in furtherance of common intention being clerk / servant and in such capacity entrusted with works relating to issuing driving license committed criminal breach of trust in respect of that property and thereby committed an offence punishable u/s 408/34 of IPC?

(iii) Whether the accused persons in the year 2010 or prior to that in furtherance of common intention cheated thereby dishonestly inducing people to deliver money for procuring documents and thereby committed an offence punishable u/s 420/34 of IPC?

4. DECISION AND REASONS THEREOF:

The prosecution examined eleven (11) witnesses. The defence declined to adduce any evidence. The statement in defence of the accused persons u/s 313 Cr.P.C was recorded by putting all the incriminating circumstances for explanation. I have heard the argument advanced by learned counsel of both the sides and also perused the evidence available on record, my findings with reasons are as follows –

5. PW-1, Tej Prasad Bhusal who is the informant deposed that on 23/02/2010, he was working as Sub-Divisional Officer (Sadar), Nalbari under the Officer of Deputy Commissioner, Nalbari. He was instructed by the Deputy Commissioner, Nalbari to conduct an inquiry regarding some anomalies in the Office of Dist. Transport Office, Nalbari. He conducted inquiry as an inquiry officer and he submitted a report on 18/08/2010 to the D.C, Nalbari. Upon conducting inquiry, he observed in his inquiry report that there were some anomalies in issuing of driving license and record keeping. The main anomaly conducted in issuing of renewal license and issuing of new license. The work was mainly dealt by Jatin Kalita. He was serving in DTO office as wage employee and has been posted in Baksa. The licences were prepared in process, but there was no approval of the Dist. Transport Officer since there was no signature of Officer concerned. He examined 59 numbers of license already issued. He also examined some of the witnesses including license holders and office staffs. During inquiry, he found that a fresh person was given renewal license showing obtaining his fresh license 3 – 4 years back against an old number whereas no such number actually exists. He also found that there was no tracking system in the driving license registered. There is clear case of manipulation of record to suit the need. There was possibility of pumping in totally new register of license of the old period and getting it regularized. Wage employee Jatin Kalita, Paresh Barman (office assistant), Sewali Das (enforcement checker), Bibha Dutta were found

involved in the alleged offence. In his inquiry report he also opined that the head of the office is vicariously responsible for any wrong committed by the staffs. After filing of the inquiry report, he filed FIR before the O/c Nalbari PS. Exhibit 1 is the FIR and Exhibit 1(1) is his signature. Exhibit 2 is the forwarding report to D.C, Nalbari and Exhibit 2(1) is his signature. Exhibit 3 is his inquiry report dated 18/08/2009 (consisting pages 1 – 6) and Exhibit 3(1) is his signature.

6. PW-1 during cross-examination on 30/07/2018 deposed that he has submitted the inquiry report as directed by the then D.C, Nalbari. In his FIR, there is no name cited as accused. The then D.C, Nalbari informed him that he has received instruction from Commissioner of Transport, Assam for lodging the FIR regarding the anomalies, hence he filed the FIR. PW-1 during his further cross-examination on 30/08/2018 deposed that he does not remember the name of the license holders whose licenses were examined by him. He was examined by the I/O and before I/O he stated that he has found anomalies in 25 numbers of licenses. He did not state the names of those persons in whose licenses the anomalies were found. He did not state in his report that the accused persons themselves did forge any document. Though he stated in his report the name of Sewali Devi as Enforcement Checker, but personally he does not know as there is any Sewali Deka as accused in this case. The licenses that he checked did not have the genuine signatures of the DTO, Nalbari. He has not mentioned in his report (Exhibit 3) the name of the DTO who

was holding the office during his inquiry. He does not know whether Ranjit Kr. Das was the I/c DTO at the time of his inquiry, hence, he did not write in his report whether there was any anomaly during the time of I/c DTO Ranjit Kr. Das. He cannot state whether any anomaly was not committed during the tenure of I/c Ranjit Kr. Das. He does not remember whether after conducting the inquiry, the 59 numbers of licenses were seized or handed over by him. He has not specifically mentioned in his report (Exhibit 3) whether in the tenure of Bibha Dutta, Sewali Das, Pabitra Baishya, Jatin Nath Kalita, Ranjit Kr. Das and Paresh Barman the anomalies were conducted. The licenses were not shown to him in the court. He has not mentioned the name of the fresh license holders who obtained licenses in place of old license holders. Although he found Jatin Kalita in the office of DTO, Nalbari at that time, in his report he found that he was a wage employee of Baksa DTO. He found that accused Paresh Barman was responsible for upkeep of the registers which were not properly maintained. He did not find apart from anomalies any other fault committed by the accused persons.

7. PW-2, Pulak Barman deposed that he knows the informant and the accused persons. The incident occurred in the year 2010. An inquiry took place in the DTO office regarding issuing of license. At the time of incident, he was responsible for registration of private vehicle. Some staffs of his office were brought to Nalbari PS. Police allowed him, Paresh Barman, Manoranjan Chakravarty and Jyotish Kaibarta to return after

recording their statement. Police had taken custody of the other accused persons. He does not know anything more than this.

8. PW-2 during cross-examination deposed that Ranjit Kr. Das was the then I/c DTO. Ramendra Narayan Choudhury was the DTO at that time. Pabitra Baishya was the earlier DTO before Ramendra Choudhury. Jatindra Nath Kalita was a casual employee. Sewali Das was the enforcement checker. Paresh Barman, Bibha Dutta were LDA's. He does not have personal knowledge about issuing of license. He was working as casual employee at the time of incident. Accused Bibha Dutta, Paresh Barman were regular employees.

9. PW-3, Latif Ali @Ahmed deposed that he knows the informant and the accused persons. Around 8 years ago, he went to DTO office for renewing his license. After returning from renewing his license, he came to know that the name of his father was written as Manik Das instead of Manik Ali. He again went to DTO office. The name mentioned in his documents was correct. On narrating the same to the person who types license, the same was corrected. After few days he came to know that his name was reflected in newspaper.

10. PW-3 during cross-examination deposed that the name of his father was wrongly typed in the computer. He does not know anything about the incident.

11. PW-4, Moinul Ali deposed that he does not know the informant but knows the accused persons. 12 years ago he

went to issue DL in the name of Jakir Hussain. Later police stated that the issued license was a duplicate. He does not know anything more.

12. PW-5, Saurav Kr. Choudhury deposed that he does not know the informant and the accused persons. In the year 2010, police called him and asked him as to how he received license. He received his learner's license in the year 2008. He received his learner's license after filing application. He appeared for interview for his final license. He does not know anything more.

13. PW-6, Majoni Talukdar deposed that she does not know the informant but knows the accused persons. She worked as peon in DTO office, Nalbari from year 2008 to 2010. She used to carry files. She does not have any knowledge regarding issuance of duplicate license.

14. PW-7, Atikur Rahman deposed that he does not know both the parties. He does not know anything about the incident.

15. PW-8, Paresh Barman deposed that he knows both the parties. The incident occurred in the year 2010. Due to some inquiry, informant ADC T.P Bhusal and O/c Nalbari PS came to their office. They seized some documents from their office and took his signature. Exhibit 4 is the seizure list and Exhibit 4(1) is his signature. Exhibit 6 is the seizure list and Exhibit 6(1) is his signature.

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16. PW-8 during cross-examination deposed that he has not seen the seized articles in court.

17. PW-9, Manoranjan Chakravarty deposed that he knows both the parties. At the time of incident he was working as Jr. Assistant at DTO office, Nalbari. The informant came to their office for inquiry and seized some documents. The informant was accompanied by police. Police took his signature in the seizure list. Exhibit 5 is the seizure list and Exhibit 5(1) is his signature. Exhibit 7 is the seizure list and Exhibit 7(1) is his signature.

18. PW-9 during cross-examination deposed that he has not seen any seized articles in court.

19. PW-10, Satya Ram Malakar deposed that on 03/04/2010 he was working as S.I at Nalbari PS and on that day the O/c Nalbari PS entrusted him with investigation of Nalbari PS case no. 89/2010 u/s 408/420/468/34 IPC. Thereafter he was promoted and transferred to Guwahati. He handed over the investigation of this case to the O/c Nalbari PS.

20. PW-10 during cross-examination deposed that he did not investigate the case at all as he was transferred to Guwahati on promotion.

21. PW-11, Malay Kr. Acharjee deposed that on 23/02/2010 he was working at Nalbari PS as Attached Officer. On that day i.e., 23/02/2010, T.P Bhusal, SDO (Sadar) Nalbari filed one written ejahar before O/c Nalbari PS which was later

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registered as Nalbari PS case no. 89/2010 u/s 420/468/408/34 IPC. Thereafter, O/c Nalbari PS endorsed him with the task of investigation. He then visited the place of occurrence, i.e., DTO office Nalbari and seized documents from the office in presence of seizure witnesses. He recorded the statement of complainant. He also recorded the statement of witnesses at the P.O. He went to the house of accused person namely Paresh Barman and seized 18 articles from his house in presence of witnesses. He also went to the house of accused Sewali Das and seized 14 articles from her house. Then he arrested four accused persons namely Jatindra Nath Kalita, Paresh Barman, Bibha Dutta, Sewali Das and forwarded them to court. Two accused persons namely Ranjit Das and Pabitra Kr. Baishya had obtained anticipatory bail from Gauhati High Court. After completion of investigation he was transferred and as such he handed over the case diary to the O/c Nalbari PS. Exhibit 4 is the seizure list and Exhibit 4(2) is his signature. Exhibit 5 is the seizure list and Exhibit 5(2) is his signature. Exhibit 6 is the seizure list and Exhibit 6(2) is his signature. Exhibit 7 is the seizure list and Exhibit 7(2) is his signature. Exhibit P-8 / PW-11 is the seizure list number 1 and Exhibit P-8(1) / PW-11 is his signature. Exhibit P-9 / PW-11 is the seizure list number 2 and Exhibit P-9(1) / PW-11 is his signature. Exhibit P-10 / PW-11 is the seizure list number 4 and Exhibit P-10(1) / PW-11 is his signature. Exhibit P-11 / PW-11 is the seizure list number 6 and Exhibit P-11(1) / PW-11 is his signature. Exhibit P-12 / PW-11 is

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the charge-sheet and Exhibit P-12(1) / PW-11 is the signature of Khanindra Das.

22. PW-11 during cross-examination deposed that the seizure articles are not available in court on the day of his deposition. The seized materials recovered from Sewali Das and Paresb Barman is in police 'malkhana' of Nalbari PS. The FIR was lodged on 23/02/2010. The informant was the SDO (Sadar) at the time of incident. The informant himself made an inquiry and submitted report to D.C, Nalbari on 18/08/2010. PW-11 during his cross stated that he found anomalies against Ranjit Das / the then DTO and the arrested accused persons during his investigation of the case. On the basis of some minor anomalies in driving license entries, he found anomalies as against the ejarah filed by the informant. When Ranjit Kr. Das was the I/c DTO, Nalbari he put his signature on registration certificate on the R/c of Utpal Sarma while transferring of vehicle registration without verification. Not a single witness stated the name of Ranjit Kr. Das regarding the genuineness of inquiry of driving license as directed by SSP Guwahati. He does not remember how many driving licenses were seized during the period of investigation. He did not mention the name of fresh license holder who obtained license in place of old license holder. He did not seize the register on correct tracking system at the time of investigation. Jatin Kalita was a casual employee at the time of incident. He did not send the seized items seized from Paresb Barman and Sewali Das to FSL for scientific examination. He is not sure whether the documents seized from

the possession of Paresh Barman and Sewali Das are forged or genuine. Pabitra Kr. Baishya was one of the DTO at the time of incident but case diary does not disclose any material against him and hence he got anticipatory bail. There was no anomaly found against Ramendra Narayan Choudhury and as such charge-sheet was not filed against him. Sewali Das was the enforcement checker at the time of incident. He does not remember whether Pulak Barman was a casual employee at the time of incident.

23. Before appreciating the evidence, I would like to have a glance at relevant statutory provisions necessary for the disposal of this case.

"468. Forgery for purpose of cheating. -
Whoever commits forgery, intending that the document or electronic record forged shall be used for the purpose of cheating, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine."

Section 463 defines forgery, which reads as under: "463. Forgery - Whoever makes any false documents or false electronic record or part of a document or electronic record, with intent to cause damage or injury, to the public or to any person, or to support any claim or title, or to cause any person to part with property, or to enter into any express or

implied contract, or with intent to commit fraud or that fraud may be committed, commits forgery."

So far as the offence under Section 420 IPC, the same is attracted only if the offence constituting cheating as defined under Section 415 IPC is established.

Section 415 IPC reads as follows :- "415.

Cheating.-- Whoever by deceiving any person, fraudulently or dishonestly induces the person so deceived to deliver any property to any person etc., and thereby causes damage or harm to that person in body, mind, reputation or property, is said to "Cheat."

The very language of Section 408 IPC shows that to fasten the criminal liability to the accused on the allegation of breach of trust by clerk there should be entrustment in such capacity with property or he should have any dominion over property.

24. Now, this Court shall embark upon the task of finding out whether the prosecution has been able to prove the charges against the accused beyond reasonable doubt.

25. PW1 (Tej Prasad Bhusal), who was the Sub-Divisional Officer (Sadar) Nalbari at the time of filing the case stated that on 23-02-2010, while working as SDO (Sadar), he was instructed by the Deputy Commissioner, Nalbari to conduct an enquiry regarding some anomalies in the office of District Transport Officer, Nalbari. Accordingly, he conducted the

enquiry and observed in his enquiry report that there were some anomalies in issuing of driving license and record keeping. PW1 stated that the main anomaly was found in issuing of renewal license and new license which was mainly dealt by wage employee Jatin Kalita posted in Baksa. PW1 stated that the licenses were prepared in the process but there was no approval of the DTO as the signature of the DTO was glaringly missing. PW1 stated that he examined 59 numbers of license issued. PW1 stated that he also examined some of the witnesses including license holders and office staffs. During enquiry, he found that a person was given renewal license by showing that his fresh license was obtained 3-4 years back against an old number whereas no such number actually existed. PW1 further stated that there was no tracking system in the Driving license in the DL register. PW1 stated that after filing of the inquiry report, he filed FIR before the O/C, Nalbari PS. PW1 exhibited the FIR as Exhibit-1 and his signature in the FIR as Exhibit-1(1). PW1 exhibited the forwarding report to the Deputy Commissioner, Nalbari as Exhibit 2 and his signature as Exhibit-2(1). PW1 exhibited his enquiry report dated 18-08-09 as Exhibit-3 and exhibit-3 (1) as his signature.

26. During cross-examination, PW1 stated that he found anomalies in 25 numbers of licenses but he did not state the name of those persons in whose licenses anomalies were found. PW1 further state that he did not state in his report that the accused persons themselves forged the documents. PW1 stated that the licenses that he has checked did not have the

genuine signatures of the DTO, Nalbari. PW1 stated that he has not specifically mentioned in his report that whether the anomalies were carried out during the tenure of Bibha Dutta, Sewali Das, Pabitra Baishya, Jatin Nath Kalita, Ranjit Kumar Das and Paresh Barman. PW1 stated that the licenses were not shown to him in the Court. PW1 stated that he did not find any other fault upon the accused apart from the aforesaid anomalies.

27. Hence, after going through the evidence of PW1, it appears that there were anomalies in the issuance of false driving licenses from the Office of DTO, Nalbari and registers were not maintained properly. Now, the crucial point is that whether the evidence adduced by the prosecution is sufficient to bring home the charge of forgery against the accused persons. PW1 though made the enquiry however could not fix the culpability upon the person who had made, signed, sealed or executed the false driving licenses or maintained the D/L register. PW1 has found irregularities in the D/L register maintained in the DTO office but could not categorically mention the name of the accused/accused(s) who was/were entrusted with the responsibility of maintaining the D/L register/registers. Infact, PW1 neither exhibited the false entries made in the D/L register nor the driving licenses which were suspected to be false. PW2 and PW3 did not state anything incriminating in his evidence. PW4 also could not state anything in favour of the prosecution. PW5, PW6 and PW7 also did not state anything in support of the prosecution.

28. PW8 and PW9 are seizure witness who exhibited the seizure list as Exhibit 4, 5 and Exhibit 6 respectively but did not exhibit the seized documents.

29. The I/O (PW11) stated in his cross-examination that he did not mention the name of the fresh license holder who obtained license /renewal license in place of old license holder. PW 11 also could not say whether the documents seized from the possession of Paresh Barman and Sewali Das are forged or genuine.

30. The forged driving licenses were not exhibited by the prosecution as material exhibits. The documents seized from the possession of Sewali Das and Paresh Barman were not sent by the I/O to Handwriting Expert and in the absence of opinion of Handwriting Expert or due to non-exhibit of the D/L registers, it is not possible to say whether the said documents were forged or genuine.

31. PW 11 stated that when Ranjit Kr Das was I/c DTO, Nalbari, he put his signature on the registration certificate on the R/C of one Utpal Sarma while transferring the registration of the vehicle without verification. Apart from PW 11, none of the witnesses mentioned the name of Ranjit Kr Das. The R/C of Utpal Sarma was not exhibited as a document. It was not proved that the signature on the R/C of Utpal Sarma belongs to accused Ranjit Kumar Das. Though the I.O exhibited nine seizure lists, but the documents seized by the I.O and those mentioned in the seizure list could not be exhibited and brought

on record by the prosecution. The prosecution was given sufficient opportunity to bring the seized documents on record but failed to bring the same on record. The prosecution also failed to bring on record the duties performed by the accused persons at the DTO Office during the relevant time.

32. In order to bring home the charge of forgery, the prosecution must show that the accused persons were the maker of the false entries in the DL register and the forged DL were issued by them. None of the witnesses examined by the prosecution stated the name of any accused as the maker of the false entries in the D/L register. No one deposed about the duties assigned to the staffs of DTO office, Nalbari at the relevant time.

33. The I.O vide Exhibit-P9 seized several Driving Licenses from the accused Paresh Barman but the same was not exhibited as Material exhibits. The I.O vide Exhibit-5 seized several DL registers from DTO Office but the said registers were not exhibited as Material Exhibits by the prosecution.

34. The I.O vide Exhibit-P10 seized several money receipts, 4 nos of D/L, round seals and other documents. The prosecution preferred not to exhibit the seized documents. Hence, the prosecution miserably failed to prove that the seized documents were forged documents or not. The prosecution also did not compare the handwriting of the accused persons with the handwriting on the seized documents and hence it is not possible to find out the person who was behind forging the

signature of the person having the authority to sign as none of the witnesses stated about the duties given to various staffs at the relevant time. It is not apparent from the evidence adduced by PWs as to who was handling the D/L register. Apart from recovery of documents from the possession of two accused persons, the prosecution failed to prove the maker of the false entries in the D/L register and the forged signatures in the Driving Licenses. The fake driving licenses were not exhibited and marked by the prosecution. Further, the prosecution did not adduce any evidence regarding the procedure of issuing Driving licenses.

35. ***In Sheila Sebastian –Vs- Jawaharaj reported in (2018) 7 SCC 588*** , the Hon'ble Supreme Court in paragraph 25 and 26 of the said Judgment has stated as follows :-

“25. As held in plethora of cases, making a document is different from than causing it to be made. As Explanation to Section 464 further clarifies that, for constituting an offence under Section 464 IPC, it is imperative that a false document is made and the accused person is the maker of the same, otherwise, the accused person is not liable for the offence of forgery.

“26. The definition of “false document” is a part of the definition of “forgery”. Both must be read together. “Forgery” and “fraud” are essentially

matters of evidence which could be proved as a fact by direct evidence or by inferences drawn from proved facts. In the case in hand, there is no finding recorded by the trial Court that the respondents have made any false documents or part of the document/record to execute mortgage deed under the guise of that "false document". Hence, neither respondent 1 nor respondent no.2 can be held to be makers of the forged documents. "Section 464 IPC makes it clear that only the ones who makes a false document can be held liable under the aforesaid provision".

36. Hence, after going through the evidence adduced by the prosecution and the settled law regarding forgery, it is held that the prosecution has miserably failed to prove the forged documents as well as the maker of the forged documents. Further, nothing has been brought on record regarding the name of the person who forged the signature of the authority while issuing the fake licenses and the persons who made false entries in the D/L register. The I/O has failed to find out the person who signed or made the false entries in the concerned register. Law is well settled with regard to the fact that however strong the suspicion may be, it cannot take the place of proof. Strong suspicion, coincidence, grave doubt cannot take the place of proof. A duty is always cast upon the courts to ensure that suspicion does not take the place of legal

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proof. Standard of proof in a criminal trial is proof beyond reasonable doubt.

37. Hence, considering all aspects, it is held that prosecution has failed to establish the essential ingredients so required to constitute the charged offence beyond reasonable doubt by leading clear, cogent & convincing evidence.

38. Accordingly, the accused persons namely Sri Jatindra Nath Kalita, Sri Paresh Barman, Smti Bibha Dutta, Smti Sewali Das, Sri Ranjit Das and Sri Pabitra Kr. Baishya are found not guilty u/s 468/420/408/34 IPC and hence, are acquitted and set at liberty forthwith. Bail bonds shall remain in force for a further period of six months.

39. Judgment is pronounced in open court. Case is disposed of on contest.

40. Given under my hand and seal of this court on this 29th day of September, 2022.

Chief Judicial Magistrate,
Nalbari

Accused Details

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 for purpose of Sec. 428 Cr.P.C
A-1	Sri Jatindra Nath Kalita	24/02/2010	08/04/2010	408/ 420/ 468/ 34 IPC	Acquitted	N/A	N/A
A-2	Sri Paresh Barman	24/02/2010	06/04/2010	408/ 420/ 468/ 34 IPC	Acquitted	N/A	N/A
A-3	Smti Bibha Dutta	24/02/2010	26/03/2010	408/ 420/ 468/ 34 IPC	Acquitted	N/A	N/A
A-4	Smti Sewali Das	24/02/2010	12/03/2010	408/ 420/ 468/ 34 IPC	Acquitted	N/A	N/A
A-5	Sri Ranjit Kr. Das	25/02/2010	24/03/2010	408/ 420/ 468/ 34 IPC	Acquitted	N/A	N/A
A-6	Sri Pabitra Kr. Baishya	16/03/2010	20/04/2010	408/ 420/ 468/ 34 IPC	Acquitted	N/A	N/A

Chief Judicial Magistrate,
Nalbari

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	Tej Prasad Bhusal	Informant
PW2	Pulak Barman	Eye witness
PW3	Latif Ali @Ahmed	Other witness
PW4	Moinal Ali	Other witness
PW5	Saurav Kr. Choudhury	Other witness
PW6	Majani Talukdar	Other witness
PW7	Atikur Rahman	Other witness
PW8	Paresh Barman	Panch witness
PW9	Manoranjan Chakravarty	Panch witness
PW10	Satya Ram Malakar	Investigating Officer
PW11	Malay Kr. Acharjee	Investigating Officer

B. Defence Witnesses, if any:

Rank	Name	Nature of evidence (Eye Witness, Police Witness, Expert Witness, Medical Witness, Panch Witness, Other witness)
Nil		

C. Court Witnesses, if any:

Rank	Name	Nature of evidence (Eye Witness, Police Witness, Expert Witness, Medical Witness, Panch Witness, Other witness)
Nil		

Chief Judicial Magistrate,
Nalbari

LIST OF PROSECUTION / DEFENCE / COURT EXHIBITS

A. Prosecution:

Sr. No.	Exhibit number	Description
1.	Exhibit 1	FIR
2.	Exhibit 1(1)	Signature of informant
3.	Exhibit 2	Forwarding report to D.C, Nalbari
4.	Exhibit 2(1)	Signature of informant
5.	Exhibit 3	Inquiry report dated 18/08/2009 consisting pages 1 - 6
6.	Exhibit 3(1)	Signature of informant
7.	Exhibit 4	Seizure list
8.	Exhibit 4(1)	Signature of seizure witness Paresh Barman
9.	Exhibit 4(2)	Signature of I/O M.K Acharjee
10.	Exhibit 5	Seizure list
11.	Exhibit 5(1)	Signature of seizure witness Manoranjan Chakravarty
12.	Exhibit 5(2)	Signature of I/O M.K Acharjee
13.	Exhibit 6	Seizure list
14.	Exhibit 6(1)	Signature of seizure witness Paresh Barman
15.	Exhibit 6(2)	Signature of I/O M.K Acharjee
16.	Exhibit 7	Seizure list
17.	Exhibit 7(1)	Signature of seizure witness Manoranjan Chakravarty
18.	Exhibit 7(2)	Signature of I/O M.K Acharjee
19.	Exhibit P-8 / PW-11	Seizure list number 1
20.	Exhibit P-8(1) / PW-11	Signature of I/O M.K Acharjee
21.	Exhibit P-9 / PW-11	Seizure list number 2
22.	Exhibit P-9(1) / PW-11	Signature of I/O M.K Acharjee
23.	Exhibit P-10 / PW-11	Seizure list number 4
24.	Exhibit P-10(1) / PW-11	Signature of I/O M.K Acharjee
25.	Exhibit P-11 / PW-11	Seizure list number 6
26.	Exhibit P-11(1) / PW-11	Signature of I/O M.K Acharjee
27.	Exhibit P-12 / PW-11	Charge-sheet
28.	Exhibit P-12(1) / PW-11	Signature of I/O Khanindra Das

B. Defence:

Sr. No.	Exhibit Number	Description
Nil		

C. Court Exhibits:

Sr. No.	Exhibit Number	Description
Nil		

D. Material Objects:

Sr. No.	Exhibit Number	Description
Nil		

Chief Judicial Magistrate
Nalbari