

INTHE COURT OF ADDL. CHIEF JUDICIAL MAGISTRATE:: KOKRAJHAR

G.R CASE NO.784/13

U/S 387/34 of IPC

State

-Vs-

1. Sri Gyan Mohan Mandal and

2. Sri Suklal Mitra

Accused persons.

PRESENT:- SRI R. KR.TODI, A.J.S

Mr. K.Ch.Saha, Ld.A.P.P for the State.

Mr.P.Mondal, Learned Advocate for the accused persons.

Date of recording Evidence: -29.10.14.

Date of hearing Argument:- 29.10.14

Date of delivery of Judgment:-29.10.14.

JUDGMENT.

1 The prosecution case in brief, is that, on 22.8.13 at about 8-30 P.M the accused persons demanded money Rs.2, 00000/- from informant Saiful Alom and also criminal intimidated him that if he did not pay the money he would face dire consequence.

2 On the basis of said ejahar Fakiragram P.S case No.67/13 was registered under section 387/34 of IPC against the accused persons and on completion of investigation charge- sheet was submitted under section 387/34 of IPC.

3 On appearance, the accused persons were enlarged on bail. Copy was furnished. Having heard both sides and having perused the case record and on finding materials only under section 387/34 of IPC formal charge were accordingly framed , read over and explained to the accused persons to which they pleaded not guilty and claimed to be tried.

5 POINTS FOR DETERMINATION:

i) Whether on 22.08.13 at about 8-30 P.M at Binnachara, P.S Fakiragram, the accused persons, in furtherance of their common intention of committing extortion put informant Saiful Alom in fear of death and thereby induced him to deliver Rs.2,00000/- to them and thereby committed offence punishable under section 387/34 of IPC?

6. During trial, prosecution examined only the informant-cum-alleged victim Saiful Alom. Examination of the accused persons under section 313 of Cr.P.C was dispensed with. Heard arguments.

7. DISCUSSION DECISION AND REASONS THEREOF:

P.W.1 informant – cum- alleged victim Saiful Alom deposed that about a year back one day he received a call on his mobile phone. The caller was abusing him over mobile phone and was also demanding money giving life threats. He deposed further

that he did not give importance to the demand of the unknown caller. He also deposed that subsequently he never received any such call. He also stated that he suspected that it was a casual call made out of fun.

In his cross-examination he admitted that he did not know the accused persons and could not say who made the call to him. He also admitted that he could not say how much money was demanded. He also stated that he did not receive any life threats. He also pleaded complete ignorance about the contents of ejahar and admitted that he had no grievances against the accused persons.

8. On perusal of the evidence of the only P.W.1 informant cum alleged victim Saiful Alom it is abundantly clear that out of suspicion only and without any basis the ejahar was lodged against the accused persons. Cross-examination of the said P.W clearly disclosed that he did not know the accused persons and that he did not receive any life threat and also that he was not sure as to the contents of ejahar etc. This goes to show that prosecution has got no case at all to attract section 387/34 of IPC against the accused persons and accordingly holding that the prosecution could not establish charge under section 387/34 of IPC against the accused persons at all they are acquitted from the charge thereof and set at their liberties forthwith.

13. Judgment is pronounced.

The case is disposed of.

Given under my hand and seal of this court, this 29th Day of Oct'2014 at Kokrajhar.

**Dictated and corrected
By me**

**R. Kr. Todi
Addl. Chief Judicial Magistrate,
Kokrajhar**

Addl.C.J.M, Kokrajhar

