

Sessions Case No. 162/2021

ORDER

27-01-2022

Both the accused Mothon Dutta and Anil Dutta are present along with their learned Counsel.

Learned Counsel for the accused persons vide petition No. 91/2022 prayed to allow the accused persons to remain on previous bail.

Heard. Prayer is allowed.

Learned Counsel for the accused persons submits that he is ready to conduct hearing on charge. Hence, hearing on charge is taken up today.

Heard both the sides on the point of framing of charge.

During hearing on charge, learned Legal Aid Counsel for the accused persons submitted that there are no materials on record to show that the accused persons committed the offence. Learned Public Prosecutor has submitted that there are sufficient materials to prove the charges against the accused persons and hence charges ought to be framed against the accused.

Considered submissions advanced by both sides and perused the relevant papers. It is seen that Charge-Sheet has been submitted under Sections 341/323/307/34 IPC.

From the materials on record and upon hearing both the sides, this Court is of the considered opinion that there are sufficient grounds for presuming that the accused persons have committed the offence punishable under Sections 341/323/34 IPC.

Accordingly, charges under Sections 341/323/34 IPC (as mentioned in the charge form) are framed, read over and explained to the accused persons, namely, Mothon Dutta and Anil Dutta, to which they pleaded not guilty and claimed to be tried.

The Sections under which charges have been framed are Magistrate triable.

The original case record along with Case Diary of GR Case No. 5003/2019 in connection with Tingkhong PS Case No. 293/2019 is sent back to the Court of the learned CJM, Dibrugarh who may try the same herself or transfer it to any other Court at Dibrugarh, for trial.

Sessions case stands closed.

CrI. Assistant to do the needful.

Fix: 18-04-2022 for appearance of both the accused persons before the Court below and receive further instruction.

No. DJD/0329/2022
dated 29.01.2022

SA
Sessions Judge,
Dibrugarh