

PRESENT : Md. D. Ullah, C.J.M. Jorhat.

29.01.2013

*Today is fixed for passing necessary order as the case was received yesterday at 5-50 p.m.*

*Perused the complaint u/s 340(1)(b) Cr.P.C. filed by Sri Jaspal Singh, learned S.D.J.M.(S), Jorhat, stating interalia that C.R. Case No. 31/2011 is pending in his Court wherein one Sri Ajit Dutta is accused. It is further contended that a petition on behalf of the aforesaid accused person was filed in the said C.R. Case u/s 205 Cr.P.C. on the ground that the accused person is in complete bed rest and is not in a position to come to the Court. The Court passed an order directing any of the family members of the accused to submit affidavit mentioning the present health condition of the accused. Accordingly, two family members of the accused (Accused of C.R. Case No. 31/11) had filed two separate affidavits swearing that the accused was unable to continue his normal work and was completely bed ridden. Thereafter, the complainant has filed a petition before the Court of learned S.D.J.M(S), Jorhat, being petition No. 2766 dated 06.07.2012 u/s 340 Cr.P.C. read with section 195 Cr.P.C. alleging that both the affidavits contain false statements as regards to the health condition of the accused person as the said accused has been regularly attending his office and doing official work till 09.04.2012, i.e. the date of filing of the affidavits.*

*Learned S.D.J.M.(S), Jorhat, initiated preliminary inquiry u/s 340 Cr.P.C. and examined one Court witness, namely Dr. Jatjiban Bora, the Member Secretary and Town Planning Officer, JDA, who has stated that Ajit Chandra Dutta, Enforcement Inspector and Assistant Law Officer, JDA, was present in the office on all working days in the month of February, March, April and May, 2012 and put his signature in the Attendance Register. On inquiry, learned S.D.J.M(S), Jorhat, held that Sri Premadhar Dutta and Smti. Makan Dutta made false statements on oath before the Court to the effect that accused Ajit Dutta was completely bed-ridden. Accordingly, learned S.D.J.M. (S) Jorhat, found prima facie case u/s 199 I.P.C. against Sri Premadhar Dutta and Smti. Makan Dutta and submitted the instant complaint in writing as per section 340 (1)(b) Cr.P.C.*

*The said complaint is supported by a copy of the order dated 28.01.2013 passed in C.R. case No. 31/11, Xerox copies of affidavits filed by Premadhar Dutta and Makan Dutta on 09.04.2012, xerox copy of petition No. 3065, dated 19.09.2011 and xerox copy of the petition No. 2766 dt. 06.07.2012.*

*I have gone through the materials available on record as discussed above. Taking cognizance of offence, I am of the opinion that there is sufficient ground for proceeding against the accused persons, namely Sri*

*Premadhar Dutta and Smti. Makan Dutta for the alleged  
commission of offence u/s 199 I.P.C.*

*Accordingly, issue summons to the accused persons.  
Fixing 22.02.2013 for service report/ appearance.*

*Chief Judicial Magistrate,  
Jorhat.*