

**PRC No. 1384/2019**

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

**PRC NO: 1384 of 2019**

**Under section 447/294/352/34 of IPC.**

**State**

**-Versus-**

**Sri Pramod Das**

**Smti. Manasha Das**

**Smti. Mandira Das .....Accused Persons**

**PRESENT : Sri Jayanta Kumar Saikia, AJS  
Addl. CJM,Nalbari**

**ADVOCATES APPEARED-**

**FOR THE PROSECUTION :Sri Arjun Barman**

**FOR THE ACCUSED : Md. Abdul Mazid**

**OFFENCE EXPLAINED ON: 30-12-2019**

**EVIDENCE RECORDED ON: 11-02-2022**

**ARGUMENT HEARD ON: 14-02-2022**

**JUDGMENT DELIVERED ON: 14-02-2022**

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## **JUDGMENT**

- 1.** The prosecution case sets into motion by filing a FIR by the informant, Miss Dipa Das stating that the accused persons assaulted her physically by criminally trespassed into her house. Hence, she has lodged this case.
- 2.** The Officer-in-charge, Mukalmua Police station, on receipt of the Ejahar registered Mukalmua P.S. Case No. 259/2019, under section 447/294/352/34 of IPC and endorsed the concerned I/O for investigation. After completion of the investigation, the concerned I/O submitted charge sheet against the accused persons namely Sri Pramod Das, Smti. Manasha Das and Smti. Mandira Das under Section of 447/294/352/34 of IPC.
- 3.** In due course, the accused persons appeared before the Court and the copies of relevant documents were furnished to them as per section 207 of CrPC. Having found a prima facie case against the accused persons, the particulars of offences under Section 447/294/352/34 of IPC is read over and explained to them vide order dated 30-12-2019 to which they pleaded not guilty and claimed to be tried.
- 4.** The prosecution, in support of its case, examined only one (01) witness who is the informant/victim of the case. The Learned Assistant Public Prosecutor prayed to close the PW evidence as the principal witness, who is the informant of the case does not support the prosecution case.

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- 5.** The statement of the accused person under section 313 of CrPC is dispensed with as there are no incriminating materials found against the accused person. Defence side examined no witnesses.
- 6.** I have heard the arguments advanced by the learned counsels for both sides.

**7. POINTS FOR DETERMINATION:-**

- (i) Whether on 14/05/2019 at 1.00 PM, at Barnibari under the jurisdiction of Mukalmua PS in furtherance of their common intention, the accused persons namely Sri Pramod Das, Smti. Manasha Das and Smti. Mandira Das trespassed into the court yard of the informant/victim, scolded her in filthy language and used criminal force upon her and thereby committed an offence punishable u/s 447/294/352/34 of IPC ?

**DISCUSSION, DECISION AND REASONS THEREOF:**

- 8.** PW-1, the informant/victim of the case stated in her evidence that the accused persons are close relative of her. She lodged this case due to misunderstanding. Now, They have amicably settled their dispute. She has no allegation against the accused persons.
- 9.** The evidence of PW-1 clearly shows that she has no allegation against the accused persons and the case is registered due to

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misunderstanding. Situated thus, in my considered opinion the prosecution side has failed to bring home the guilt of the accused persons Sri Pramod Das, Smti. Manasha Das and Smti. Mandira Das under section 447/294/352/34 of IPC as the informant of the case did not support the prosecution story.

**ORDER**

In the light of aforesaid discussions and reasons, it is seen that the prosecution side failed to prove the guilt of the accused persons.

Accordingly, the accused persons, Sri Pramod Das, Smti. Manasha Das and Smti. Mandira Das are acquitted from the offence under section 447/294/352/34 of IPC and they are set at liberty forthwith.

The bail bond of the accused persons and their surety shall remain in force for a period of 6 months from today as per amended CrPC.

**Given under my hand and seal of this court on this 14<sup>th</sup> of February, 2022.**

Sri Jayanta Kumar Saikia  
Addl. CJM  
Nalbari

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**APPENDIX**

***PROSECUTION EXHIBITS:***

NIL

***DEFENCE EXHIBITS***

NIL

***PROSECUTION WITNESSES***

PW-1: Smti. Dipa Das (informant/victim)

***DEFENCE WITNESSES***

NONE

***MATERIAL EXHIBITS***

NIL

Sri Jayanta Kumar Saikia  
Addl. CJM  
Nalbari