

P.R.C no. 113/2021

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

P.R.C no. 113/2021

u/s 447/294/506 I.P.C

State of Assam

-Vs-

Krishna Das ....Accused person

**PRESENT:** K.C Boro, A.J.S.

**ADVOCATES APPEARED:**

For the state : Mr. D. Talukdar, Ld. A.P.P,

For the accused : Mr. Amirul Islam, Ld. Advocate,

Dates of evidence : 11/01/2022.

Date of argument : 11/01/2022.

Date of judgment : 11/01/2022.

**J U D G M E N T**

**PROSECUTION CASE:**

1.The prosecution case in brief as unfolded from the 'ejahar' dated 18/12/2020 filed by the informant Smti Mayarani Das is that on 15/12/2020 at about 3:30 pm, the FIR named accused Krishna Das hit her grandchild Chandan Das, aged 12 years with a bamboo 'lathi' and caused injury near his left eye and when she intervened the situation the accused scolded her with obscene language. Hence the case.

2.The said 'ejahar' was received vide Ghograpar P.S GDE no. 18 dated 18/12/20 and later the same was registered as Ghograpar P.S case no. 579/20 u/s 294/506 I.P.C. After completion of investigation charge-sheet no. 331/20 dated 30/12/20 was submitted against accused Krishna Das u/s 447/294/506 I.P.C. Copy was furnished to the accused person. Particulars of offence and substance of accusation were read over and explained to the accused person to which he pleaded not guilty and claimed to be tried.

**3.POINTS FOR DETERMINATION:**

(i) Whether on 15/12/2020 at about 3:30 pm, the accused entered into the house in possession of the informant with intent to commit an offence or to intimidate, insult or annoy the informant and her family members and thereby committed an offence punishable u/s 447 IPC ?

(ii) Whether on 15/12/2020 at about 3:30 pm, the accused uttered obscene language in or around any public place to the annoyance of informant and her family members and thereby committed an offence punishable u/s 294 IPC ?

(iii) Whether on 15/12/2020 at about 3:30 pm, the accused threatened the informant and her family members with injury to their person, reputation or property, with intent to cause alarm and thereby committed an offence punishable u/s 506 IPC ?

**4. DECISION AND REASONS THEREOF:**

The prosecution examined the informant as PW1. The defence declined to adduce any evidence. The statement in defence of the accused person u/s 313 Cr.P.C was recorded. 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.PW1 Mayarani Das who is the informant deposed that accused Krishna Das is her son and on the day of incident an altercation took place between her and the accused and she later filed the ejahar against her son / accused out of misunderstanding. PW1 stated that now she has no grievance against the accused person.

6.In view of above discussions and on appreciation of the testimony of witnesses and the materials available

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on record, I find that the prosecution has failed to establish the essential ingredients so required to constitute the charged offence beyond reasonable doubt by leading clear, cogent & convincing evidence.

7.The accused person namely Krishna Das is found not guilty u/s 447/294/506 I.P.C and hence, is acquitted and set at liberty forthwith. Bail bond shall remain in force for a further period of six months.

8. Given under my hand and seal of this court on this 11<sup>th</sup> day of January, 2022.

Chief Judicial

Magistrate

Nalbari

**APPENDIX**

**Prosecution witness:**

PW 1- Mayarani Das (Informant),

**Prosecution Exhibits:**

Exhibit 1 - Ejahar,

**Defence witnesses :**

Nil

**Defence Exhibits :**

Nil

Chief Judicial

Magistrate,  
Nalbari