

			bail		convicted		for the purpose of section 428 of IPC
A-1	Smti Jetuki Das			U/S 448/427 /506/34 of IPC	Acquitted	N/A	N/A
A-2	Smti Jupitora Das						
A-3	Smti Mainu Das						
A-4	Smti Junu Das						

APPENDIX-13

Date of offence	26/10/2017
Date of FIR	27/10/2017
Date of charge-sheet	24/11/2017
Date of O.E.	19/12/2018
Date of commencement of evidence	07/01/2019
Date on which judgment is reserved	N/A
Date of judgment	26/09/2022

Date of the Sentencing Order, if any	N/A

(J U D G M E N T)

1. The prosecution case sets into motion by filing a FIR by the informant, Smti Nirala Das stating that as her daughter married a boy of Islamic religion namely Md. Islam Ali so, the FIR named accused persons threatened her to bring her daughter back. On 26/10/2017, at about 12:00 P.M., the accused persons into her house and spoiled the furniture of 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. 384/2017, under section 147/447/427/506 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, Smti Jetuki Das, Smti Jupitora Das, Smti Mainu Das and Smti Junu Das, Under Section 447/448/427/506/34 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. Particulars of offence u/s 448/427/506/34 IPC were read over and explained to the

accused persons to which they pleaded not guilty and claimed to be tried.

4. The prosecution, in support of its case, examined two (02) witnesses. The Learned Assistant Public Prosecutor prayed to close the PW evidence as no incriminating material is found against the accused persons. The PW evidence is closed as per the submission of the Ld. APP.
5. The statements of the accused persons under section 313 of Cr.P.C. are dispensed with as there are no incriminating materials found against the accused persons. 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 the accused persons on 26/10/2017, at about 12:00 P.M., at Bornibari, under the jurisdiction of Mukalmua P.S. in furtherance of their common intention, criminally trespassed into the dwelling house of informant Smti Nirala Das with an intent to commit offence or to intimidate or insult or annoy any person in possession of the property and thereby committed offence punishable U/S 448/34 I.P.C.?*

(ii) *Whether the accused persons, on same day and place, in furtherance of their common intention, committed mischief of the house of the informant*

causing loss or damage to the amount of Rs. 50 or upwards and thereby committed an offence u/s 427/34 of IPC?

(iii) Whether the accused persons, on same day and place, in furtherance of their common intention, committed criminal intimidation by threatening the informant Smti Nirala Das in order to cause alarm to her and thereby committed the offence under section 506/34 of IPC ?

DISCUSSION, DECISION AND REASONS THEREOF:

- 8.** In the instant case the prosecution side adduced the evidence of PW-1 (informant), Smti Nirala Das and PW-2, Sri Arjun Das. From their evidences it is found that there was a quarrel between the informant and the accused persons which later settled amicably. The ejahar was filed due to misunderstanding.
- 9.** From the evidence on record it is found that the instant case is lodged due to misunderstanding and no incriminating material found in the evidence adduced by the prosecution side in their favour.
- 10.** Situated thus, in my considered opinion the prosecution side has failed to bring home the guilt of the accused persons under section-448/427/506/34 of IPC as the informant of the case has not supported the prosecution story.

CONCLUSION

The prosecution side failed to prove its case that accused has committed offence u/s 448/427/506/34 of IPC.

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 beyond reasonable doubt.

Accordingly, the accused persons, Smti Jetuki Das, Smti Jupitera Das, Smti Mainu Das and Smti Junu Das are acquitted from the offence under section 448/427/506/34 of IPC and they are set at liberty forthwith.

The bail bonds of the accused persons and their sureties 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 26th day of September, 2022.

Sri Jayanta Kumar Saikia
Addl. Chief Judicial Magistrate
Nalbari

APPENDIX-14**LIST OF PROSECUTION/ DEFENCE/ COURT WITNESSES****A. Prosecution witness**

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
PW-1	Smti Nirala Das	Informant
PW-2	Sri Arjun Das	Other witness

B. Defence witnesses, if any: NOT APPLICABLE

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
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C. Court witnesses, if any: NOT APPLICABLE

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
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LIST OF PROSECUTION/ DEFENCE/ COURT EXHIBITS

A. Prosecution: NOT APPLICABLE

Sr. No.	Exhibit Number	Description
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B. Defence: NOT APPLICABLE

Sr. No.	Exhibit Number	Description
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C. Court Exhibits: NOT APPLICABLE

Sr. No.	Exhibit Number	Description
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D. Material Objects: Not applicable

Sr. No.	Exhibit Number	Description
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Sri Jayanta Kumar Saikia
Addl. Chief Judicial Magistrate
Nalbari