

							section 428 of IPC
A-1	Sri Prakash Kalita			U/S 294/336 /506 of IPC	Acquitted	N/A	N/A

APPENDIX-13

Date of offence	Since few days prior to lodging the FIR
Date of FIR	27/07/2018
Date of charge-sheet	31/07/2018
Date of O.E.	13/09/2022
Date of commencement of evidence	14/09/2022
Date on which judgment is reserved	N/A
Date of judgment	14/09/2022
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 Fuleswari Kalita stating that the accused Sri

Prakash Kalita was assaulting the informant since few days prior to lodging the FIR and also scolded them in filthy language and also stole some items from outside of their house. The informant further stated that the accused threatened to kill the family members of the informant. Hence, informant lodged this case.

- 2.** The Officer-in-charge, Ghograpar Police station, on receipt of the Ejahar registered Ghograpar P.S. Case No. 190/18, under section 294/336/506/379 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, Sri Prakash Kalita, Under Section 294/336/506 of IPC.
- 3.** In due course, the accused appeared before the Court and the copies of relevant documents were furnished to him as per section 207 of CrPC. Particulars of offence u/s 294/336/506 of IPC were read over and explained to the accused person to which he pleaded not guilty and claimed to be tried.
- 4.** The prosecution, in support of its case, examined one (01) witness. As per the submission of Ld. Assistant Public Prosecutor, further evidence of prosecution side was closed as the informant of the case has not supported the prosecution case.
- 5.** The statement of the accused person under section 313 of Cr.P.C. 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 Ld. Counsels for both sides.

7. POINTS FOR DETERMINATION:-

- (i) *Whether the accused, Sri Prakash Kalita since few days prior to lodging the FIR, at Kayakuchi, under the jurisdiction of Ghograpar P.S., committed an obscene act causing annoyance to others and thereby committed an offence punishable under section 294 of I.P.C.?*
- (ii) *Whether the accused, Sri Prakash Kalita, on same day and place, did an act rashly and negligently so as to endanger the life of the informant Smti Fuleswari Kalita and thereby committed an offence punishable u/s 336 of IPC?*
- (iii) *Whether the accused, Sri Prakash Kalita, on same day and place, committed criminal intimidation by threatening the informant Smti Fuleswari Kalita in order to cause alarm to him and thereby committed the offence under section 506 of IPC ?*

DISCUSSION, DECISION AND REASONS THEREOF:

8. In the instant case, the prosecution side adduced evidence of one witness, i.e., the informant but she has not supported the prosecution story.

9. PW-1, Smti Phuleswari Kalita, informant of the case deposed that she lodged this case against the accused person who is her nephew. Due to misunderstanding, the case was lodged. Now, they have amicably settled their dispute. They do not want to proceed with the case by adducing evidence. They are living peacefully. She has no grievance against the accused. During cross-examination PW-1 deposed that she has no allegation against the accused person.

10. From the evidence of PW-1 (informant), it is seen that due to misunderstanding, the case was lodged. Now, they have amicably settled their dispute. They do not want to proceed with the case by adducing evidence. Hence, there is nothing in the evidence incriminating against the accused person that he has committed an offence under section-294/336/506 of IPC.

11. Situated thus, in my considered opinion the prosecution side has failed to bring home the guilt of the accused person under section 294/336/506 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 an offence u/s 294/336/506 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 person beyond reasonable doubt.

Accordingly, the accused Sri Prakash Kalita is acquitted from the offence under section 294/336/506 of IPC and he is set at liberty forthwith.

The bail bond of the accused person and his surety shall remain in force for a period of 6 months from today as per amended Cr.P.C.

Given under my hand and seal of this court on this 14th 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 Phuleswari Kalita	Informant

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