

							section 428 of IPC
A-1	Sri Trideep Haloi			U/S 323/294 /354 IPC	Acquitted	N/A	N/A

APPENDIX-13

Date of offence	15/11/2020
Date of FIR	15/11/2020
Date of charge-sheet	30/11/2020
Date of framing of charges	29/06/2022
Date of commencement of evidence	22/09/2022
Date on which judgment is reserved	N/A
Date of judgment	22/09/2022
Date of the Sentencing Order, if any	N/A

(J U D G M E N T)

1. The prosecution case in brief as unfolded from the 'ejahar' filed by the informant Sri Sanjib Das is that on 15/11/2020 at about 7:45 P.M., when he was inside the shop, the accused Sri Trideep Haloi came and assaulted him and attempted to murder him by entangling his neck. It is further alleged that when his elder sister Smti Phulkumari Das came to rescue

him, the accused pulled hair of his sister, assaulted her and used criminal force to outrage her modesty. It is further alleged that when their father Sri Nara Kanta Das reached at the place of occurrence the accused pushed his father. Also, the accused scolded them in filthy language. Hence, the informant lodged this case.

- 2.** The Officer-in-charge, Belsor Police station, on receipt of the Ejarah registered Belsor P.S. Case No. 323/20, under section 323/354/294/506 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 Sri Trideep Haloi u/s 323/294/354 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 Cr.P.C. Having found a prima facie case against the accused, the charge is framed, under Section 323/294/354 of IPC against the accused, which is read over and explained to him vide order dated 29-06-2022, to which he pleaded not guilty and claimed to be tried.
- 4.** The prosecution side examined three (03) witnesses. The Learned Assistant Public Prosecutor prayed to close the PW evidence as no incriminating material is found against the accused person. The PW evidence is closed as per the submission of the Ld. APP.
- 5.** The statement of the accused person under section 313 of Cr.P.C. is dispensed with as there are no incriminating

material 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 the accused, on 15/11/2020 at about 7:45 P.M., in Thutikata under Belsor P.S. voluntarily caused hurt to the informant Sri Sanjib Das, his elder sister Smti Phulkumari Das and their father Sri Nara Kanta Das and thereby committed an offence u/s 323 of I.P.C ?*
- (ii) *Whether on the same date, time and place the accused committed an obscene act or used obscene words causing annoyance to others and thereby committed an offence u/s 294 of I.P.C?*
- (iii) *Whether on the same date, time and place the accused torn the wearing apparels of Smti Phulkumari Das, the elder sister of the informant Sri Sanjib Das, intending to outrage her modesty and thereby committed an offence u/s 354 of I.P.C ?*

DISCUSSION, DECISION AND REASONS THEREOF:

8. In the instant case the prosecution side adduced the evidence of PW-1 (informant), Sri Sanjib Das and the victims i.e., PW-2, Sri Nara Kanta Das and PW-3, Smti. Phulkumari Das. From their evidences it is found that due to misunderstanding PW-1

(informant) lodged this case in the year 2020. The accused person is their co-villager. They have amicably settled their dispute outside the court. They have no allegation against the accused and they do not want to proceed with this case by adducing evidence. They are living peacefully. All the witnesses also stated in their cross-examination that they have no objection if the accused gets acquittal in this case.

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 under section-323/294/354 of IPC as the informant and victims of the case have not supported the prosecution story.

CONCLUSION

The prosecution side failed to prove its case that accused has committed offence u/s 323/294/354 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 Trideep Haloi is acquitted from the offence under section 323/294/354 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 22nd 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	Sri Sanjib Das	Informant
PW-2	Sri Nara Kanta Das	Other witness
PW-3	Smti. Phulkumari 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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		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