



							section 428 of IPC
A-1	Sri Jagat Baishya	09/0 7/20 20	09/07 /2020	U/S 294/506 /323 of IPC	Acquitted	N/A	N/A

## APPENDIX-13

Date of offence	05/07/2020
Date of FIR	06/07/2020
Date of charge-sheet	31/07/2020
Date of O.E.	03/09/2022
Date of commencement of evidence	20/09/2022
Date on which judgment is reserved	N/A
Date of judgment	20/09/2022
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. Pan Bala Baishya stating that on 05/07/2022 at about 3:00 P.M., when she was working at her paddy field, the accused Sri Jagat Baishya attempted to attack her with a shovel and also used criminal force to molest her. Her husband somehow rescued her. Hence, she has lodged this case.
- 2.** The Officer-in-charge, Ghograpar Police station, on receipt of the Ejahar registered Ghograpar P.S. Case No. 300/2020, under section 447/506/354/294 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 Jagat Baishya under Section 294/506/323 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 294/506/323 of IPC were read over and explained to the accused to which he 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 person. The PW evidence is closed as per the submission of the Ld. APP.

5. The statements of the accused 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 Learned Counsels for both sides.

**7. POINTS FOR DETERMINATION:-**

- (i) *Whether the accused Sri Jagat Baishya, on 05/07/2022 at about 3:00 P.M., at Mahina, 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 on the same day, time and place the accused Sri Jagat Baishya, committed criminal intimidation by threatening the informant Smti. Pan Bala Baishya with intent to cause alarm to the informant Smti. Pan Bala Baishya and thereby committed an offence u/s 506 of I.P.C?*
- (iii) *Whether on the same day, time and place the accused Sri Jagat Baishya, voluntarily caused hurt to*

*the informant Smti Pan Bala Baishya and thereby committed an offence punishable u/s 323 of IPC?*

**DISCUSSION, DECISION AND REASONS THEREOF:**

- 8.** The instant case is registered on the receipt of the FIR lodged by PW-1, Smti. Panbala Baishya, who is the informant of this case. From the testimony of PW-1 it is found that she lodged this case due to misunderstanding. Due to boundary dispute, she had misunderstanding. They amicably settled their dispute outside the court. Now, they are living peacefully. She has no allegation against the accused. She does not want to proceed with this case by adducing evidence. During cross-examination, PW-1 stated that she has no objection if the accused gets acquittal in this case.
  
- 9.** PW-2, Sri Phanidhar Baishya deposed stated that the informant is his wife. She lodged this case due to misunderstanding. Due to boundary dispute, they had misunderstanding. They amicably settled their dispute outside the court. Now, they are living peacefully. He has no allegation against the accused. His wife does not want to proceed with this case by adducing evidence. During cross-examination, PW-2 stated that he has no objection if the accused gets acquittal in this case.

- 10.** From the evidence of PW-1 (informant) and PW-2, it is seen that they amicably settled their dispute and they have no objection if the accused gets acquittal in this case. Hence, there is nothing in the evidence incriminating against the accused that he has committed offence under section-294/506/323 of IPC.
- 11.** Situated thus, in my considered opinion the prosecution side has failed to bring home the guilt of the accused under section-294/506/323 of IPC as the informant of the case has not supported the prosecution story.

### **CONCLUSION**

- 12.** The prosecution side failed to prove its case that accused has committed offence u/s 294/506/323 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 beyond reasonable doubt.

Accordingly, the accused Sri Jagat Baishya is acquitted from the offence under section 294/506/323 of IPC and he is set at liberty forthwith.

The bail bond of the accused 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 20<sup>th</sup> day of September, 2022.**

Sri Jayanta Kumar Saikia  
Addl. Chief Judicial Magistrate  
Nalbari

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

<b>RANK</b>	<b>NAME</b>	<b>NATURE OF EVIDENCE</b> (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
PW-1	Smti. Panbala Baishya	Informant
PW-2	Sri Phanidhar Baishya	Other witness

**B. Defence witnesses, if any: NOT APPLICABLE**

<b>RANK</b>	<b>NAME</b>	<b>NATURE OF EVIDENCE</b> (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
-------------	-------------	---

**C. Court witnesses, if any: NOT APPLICABLE**

<b>RANK</b>	<b>NAME</b>	<b>NATURE OF EVIDENCE</b> (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
-------------	-------------	---



**LIST OF PROSECUTION/ DEFENCE/ COURT EXHIBITS**

**A. Prosecution: NOT APPLICABLE**

<b>Sr. No.</b>	<b>Exhibit Number</b>	<b>Description</b>
----------------	-----------------------	--------------------

**B. Defence: NOT APPLICABLE**

<b>Sr. No.</b>	<b>Exhibit Number</b>	<b>Description</b>
----------------	-----------------------	--------------------

**C. Court Exhibits: NOT APPLICABLE**

<b>Sr. No.</b>	<b>Exhibit Number</b>	<b>Description</b>
----------------	-----------------------	--------------------

**D. Material Objects: Not applicable**

<b>Sr. No.</b>	<b>Exhibit Number</b>	<b>Description</b>
----------------	-----------------------	--------------------

Sri Jayanta Kumar Saikia  
Addl. Chief Judicial Magistrate  
Nalbari