

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

Present : Imdad Ahmed, Chief Judicial Magistrate, Nalbari.

Date of Judgment – 19/09/2022

Case – PRC no. 1622/2021

The case arose out of FIR lodged by informant Md. Rauchan Ali, registered on 14/09/2021 vide Nalbari P.S case no. 508 u/s 294/336/506 IPC under Nalbari District.

Complainant :	State of Assam Or Name of the complainant (Md. Rauchan Ali)
Represented by	Mr. D. Talukdar (Ld. APP)
Accused	1. Md. Sonjib Ali / A-1, S/o – Lt. Potu Ali, Village – Elengidol, PS & Dist – Nalbari.
Represented by	Mr. Jeherul Islam (Ld. Defence Advocate)

Date of Offence	13/09/2021
Date of FIR	13/09/2021
Date of Charge sheet	30/09/2021 vide Charge sheet no. 290
Date of Framing of Charges	08/07/2022
Date of commencement of evidence	19/09/2022
Date on which judgment is reserved	N/A
Date of Judgment	19/09/2022
Date of the Sentencing Order, if any	N/A

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

### **PROSECUTION CASE:**

1. The prosecution case in brief as unfolded from the 'ejahar' dated 13/09/2021 filed by the informant Md. Rauchan Ali is that on 13/09/2021 at about 6 am, the FIR named accused person demanded money from him which he took from the accused as loan and scolded him with filthy language and also threatened to kill him. Hence the case.

2. The said 'ejahar' was received and registered as Nalbari PS case no. 508/21 u/s 294/336/506 I.P.C. After completion of investigation charge-sheet no. 290 dated 30/09/2021 was submitted against accused person Md. Sonjib

Ali u/s 294/336/506 I.P.C. Copy was furnished to the accused person. Particulars of offence u/s 294/336/506 IPC was read over and explained to the accused person to which the accused pleaded not guilty and claimed to be tried.

**3. POINT FOR DETERMINATION**

(i) Whether on 13/09/2021 at about 6 am near Luit Hotel at Hajo road under Nalbari PS, the accused uttered obscene words in or around any public place to the annoyance of the informant and thereby committed an offence punishable u/s 294 I.P.C?

(ii) Whether on the same date, time and place the accused acted rashly and negligently by throwing brick upon the informant and endangered human life or the personal safety of others and thereby committed an offence punishable u/s 336 I.P.C?

(iii) Whether on the same date, time and place the accused criminally intimidated the informant with dire consequences and thereby committed an offence u/s 506 IPC?

**4. DECISION AND REASONS THEREOF:**

The prosecution examined the informant/victim as PW-1. The defence declined to adduce any evidence. Finding no incriminating materials, the statement in defence of the accused person u/s 313 Cr.P.C was dispensed with. 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. PW-1, Rauchan Ali who is the informant deposed that he lodged this case against accused Sonjib Ali. The incident occurred on 13/09/2021 at about 6 am. He took an amount of Rs. 60,000/- from the accused as loan which he promised to return within a stipulated time and as he could not repay the money within time, the accused became offended with him and on the day of incident, a verbal altercation took place between him and the accused at a saloon and later he filed this case. PW-1 deposed that he has amicably settled the matter with the accused person and as such he does not want to proceed with this case and also does not have any objection if the accused is acquitted.

6. This is a case under Section 294/336/506 IPC, where PW-1 who is the informant/victim of this case stated in his evidence that he has amicably settled the matter with the accused and hence he does not want to proceed with this case and he does not have any objection if the accused is acquitted.

7. PW-1 being the main witness did not support his own case and he did not state anything incriminating against the accused person and as such the guilt of the accused person could not be established by the prosecution. Hence, the accused person is hereby declared not guilty of the offence u/s 294/336/506 of the Indian Penal Code.

PRC no. 1622/2021

8. The accused person namely Md. Sonjib Ali is hereby acquitted of the charges u/s 294/336/506 IPC. Bail bond is extended till the expiry of six months from today.

9. Judgment is pronounced in open court. Case is disposed of on contest.

10. Given under my hand and seal of this court on this 19<sup>th</sup> day of September, 2022.

Chief Judicial Magistrate  
Nalbari

**Accused Details**

Ran k of the accu sed	Name of accused	Date of Arrest	Date of release on bail	Off enc es cha rge d wit h	Wheth er Acquitt ed or convict ed	Se nte nc e Im po se d	Period of Detention Undergon e during Trial for purpose of Sec. 428 Cr.P.C
A-1	Md. Sonjib Ali	20-09-2021	20-09-2021	294 / 336 / 506 IPC	Acquitt ed	N/ A	N/A

Chief Judicial Magistrate  
Nalbari

**List of Prosecution / Defence / Court Witnesses**

A. Prosecution:

Rank	Name	Nature of Evidence (Eye Witness, Police Witness, Expert Witness, Medical Witness, Panch Witness, Other witness)
PW-1	Rauchan Ali	Informant

B. Defence Witnesses, if any:

Rank	Name	Nature of evidence (Eye Witness, Police Witness, Expert Witness, Medical Witness, Panch Witness, Other witness)
Nil		

C. Court Witnesses, if any:

Rank	Name	Nature of evidence (Eye Witness, Police Witness, Expert Witness, Medical Witness, Panch Witness, Other witness)
Nil		

Chief Judicial Magistrate

Nalbari

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

A. Prosecution:

Sr. No.	Exhibit number	Description
1	Exhibit P-1 / PW-1	Ejahaar
2	Exhibit P-1(1) / PW-1	Signature of informant

B. Defence:

Sr. No.	Exhibit Number	Description
Nil		

C. Court Exhibits:

Sr. No.	Exhibit Number	Description
Nil		

D. Material Objects:

Sr. No.	Exhibit Number	Description
Nil		

Chief Judicial Magistrate  
Nalbari