

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

Present : Imdad Ahmed, Chief Judicial Magistrate, Nalbari.

Date of Judgment – 22/09/2022

Case – PRC no. 1741/2019

The case arose out of FIR lodged by informant Smti Madhusmita Das, registered on 10/08/2019 vide Belsor P.S case no. 169 u/s 447/354(A)/323 IPC under Nalbari District.

Complainant :	State of Assam Or Name of the complainant (Smti Madhusmita Das)
Represented by	Mr. D. Talukdar (Ld. APP)
Accused	1. Sri Buddha Das / A-1, S/o – Sri Nanda Das, Village – Niz Tapa, PS - Belsor & Dist – Nalbari.
Represented by	Mr. Durlav Thakuria (Ld. Defence Advocate)

Date of Offence	09/08/2019
Date of FIR	09/08/2019
Date of Charge sheet	27/08/2019 vide Charge sheet no. 93
Date of Framing of Charges	17/01/2022
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

PROSECUTION CASE:

1. The prosecution case in brief as unfolded from the 'ejahar' dated 09/08/2019 filed by the informant Smti Madhusmita Das is that her husband works in Guwahati and the FIR named accused Buddha Das on 09/08/2019 at about 8 pm, came to the courtyard of her house in the absence of her husband and thereafter grabbed her chest. The accused manhandled her and during the scuffle her nighty was torn. The accused also assaulted her and when she raised hue and cry, her elder sister Parama Das intervened the situation after which the accused also assaulted her elder sister. Hence the case.

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2. The said 'ejahar' was received and registered as Belsor PS case no. 169/19 u/s 447/354(A)/323 I.P.C. After completion of investigation charge-sheet no. 93 dated 27/08/2019 was submitted against accused Buddha Das u/s 447/354(A)/323 I.P.C. Copy was furnished to the accused person. Charges u/s 447/354(A)/323 IPC was framed, read over and explained to the accused person to which the accused pleaded not guilty and claimed to be tried.

3. POINTS FOR DETERMINATION

(i) Whether on 09/08/2019 at about 8 pm at village Niz Tapa under Belsor P.S, the accused entered into the property in possession of the informant with intent to commit an offence or to intimidate, insult or annoy and thereby committed an offence punishable u/s 447 I.P.C?

(ii) Whether on 09/08/2019 at about 8 pm at village Niz Tapa under Belsor P.S, the accused committed physical contact and advances involving unwelcome and explicit sexual overtures to the informant and thereby committed an offence punishable u/s 354(A) I.P.C?

(iii) Whether on 09/08/2019 at about 8 pm at village Niz Tapa under Belsor P.S, the accused voluntarily caused hurt to the informant and thereby committed an offence punishable u/s 323 I.P.C?

4. DECISION AND REASONS THEREOF:

The prosecution examined two (2) witnesses. 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, Madhusmita Das who is the informant cum victim deposed that the incident occurred on 09/08/2019 at about 8 pm. Due to some misunderstanding, a verbal altercation took place between her and the accused. Her elder sister was also present and tried to intervene in the matter and thereafter entered into a verbal altercation with the accused and later out of anger she filed this case against the accused. PW-1 deposed that she has settled the matter amicably with the accused and she does not want to proceed further with this case and she does not have any objection if the accused is acquitted in this case.

6. PW-2, Parama Das who is the victim deposed that the informant is her sister and she knows the accused who is her 'bhagin'. On 09/08/2019 at about 8 pm, the accused came to the house of the informant and thereafter a verbal altercation took place and she intervened in the matter. PW-2 deposed that her sister has settled the matter amicably with the

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accused. PW-2 deposed that she does not have any objection if the accused is acquitted in this case.

7. This is a case under Section 447/354(A)/323 IPC, where PW-1 & PW-2 who are the informant/victim of this case stated in their evidence that they have compromised the matter amicably with the accused person and they does not want to proceed with this case and also does not have objection if the accused is acquitted. Now, PW-1 & PW-2 being the main witness did not support their own case and they 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 447/354(A)/323 of the Indian Penal Code.

8. Considering the nature of evidence adduced by the prosecution, the accused Sri Buddha Das is hereby acquitted from the charges u/s 447/354(A)/323 I.P.C. 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 22nd day of September, 2022.

Chief Judicial Magistrate

Nalbari

Accused Details

Rank of the accused	Name of accused	Date of Arrest	Date of release on bail	Offences charged with	Whether Acquitted or convicted	Sentence Imposed	Period of Detention Undergone during Trial for purpose of Sec. 428 Cr.P.C
A-1	Buddha Das	22/08/2019	22/08/2019	447/354 (A)/323 IPC	Acquitted	N/A	N/A

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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	Madhusmita Das	Informant/victim
PW-2	Parama Das	Victim

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

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LIST OF PROSECUTION / DEFENCE / COURT EXHIBITS

A. Prosecution:

Sr. No.	Exhibit number	Description
1.	Exhibit P-1 / PW-1	Ejahar
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