

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

Present : Imdad Ahmed, Chief Judicial Magistrate, Nalbari.

Date of Judgment – 27/09/2022

Case – PRC no. 357/2021

The case arose out of FIR lodged by informant Sri Niranjan Rajbongshi, registered on 28/07/2020 vide Belsor P.S case no. 199 u/s 326 IPC under Nalbari District.

Complainant :	State of Assam Or Name of the complainant (Sri Niranjan Rajbongshi)
Represented by	Mr. D. Talukdar (Ld. APP)
Accused	1. Sri Champak Barman / A-1, S/o – Sri Girin Barman, Village – Piplibari, PS - Belsor & Dist – Nalbari.
Represented by	Mr. Pankaj Sarmah (Ld. Defence Advocate)

Date of Offence	26/07/2020
Date of FIR	27/07/2020
Date of Charge sheet	31/07/2020 vide Charge sheet no. 115
Date of Framing of Charges	31/03/2022
Date of commencement of evidence	27/09/2022
Date on which judgment is reserved	N/A
Date of Judgment	27/09/2022
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 27/07/2020 filed by the informant Sri Niranjan Rajbongshi is that on 26/07/2020 at about 5 pm, he came to the motor garage belonging to FIR named accused Champak Barman situated at Solmara 'chowk' and then the accused without any reason hit him on his hand and head with a sharp iron weapon and caused severe injury to him. Hence the case.

2. The said 'ejahar' was received vide Solmara O.P GDE no. 368 dated 27/07/2020 and later registered as Belsor PS case no. 199/20 u/s 326 I.P.C. After completion of

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investigation charge-sheet no. 199 dated 28/07/2020 was submitted against accused Champak Barman u/s 341/323/294/506 I.P.C. Copy was furnished to the accused person. Particulars of offence u/s 341/323/294/506 IPC was explained to the accused person to which the accused pleaded not guilty and claimed to be tried.

3. POINTS FOR DETERMINATION

- (i) Whether the accused on 26/07/2020 at about 5 pm at Solmara chowk under Belsor P.S, wrongfully restrained the informant from proceeding in a direction in which he had right to proceed and thereby committed an offence punishable u/s 341 I.P.C?
- (ii) Whether the accused on the aforesaid date, time and place voluntarily caused hurt to the informant and thereby committed an offence punishable u/s 323 I.P.C?
- (iii) Whether the accused on the aforesaid date, time and place 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?
- (iv) Whether the accused on the aforesaid date, time and place criminally intimidated the informant with threat to his person with intend to cause alarm and thereby committed an offence punishable u/s 506 I.P.C?

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, Niranjan Rajbongshi who is the informant cum victim of this case deposed that on 26/07/2020 at 5 pm, he went to a inverter battery shop belonging to the accused situated at Solmara 'chowk' and while discussing the matter regarding exchanging his old battery for a new one, a verbal altercation took place between him and the accused person and out of anger he filed this case. PW-1 deposed that later he settled the matter amicably with the accused person and he does not have any objection if he accused is acquitted in this case. Exhibit P-1 / PW-1 is the FIR and Exhibit P-1(1) / PW-1 is his signature.

6. This is a case under Section 341/323/294/506 IPC, where PW-1 who is the informant/victim of this case stated in his evidence that out of anger he filed this case against the accused and that he has amicably settled the matter with the accused person and as such he does not want to proceed further with this case and also does not have any objection if the accused is acquitted. Now, PW-1 being the main witness did

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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 341/323/294/506 of the Indian Penal Code.

7. Considering the nature of evidence adduced by the prosecution, the accused Sri Champak Barman is hereby acquitted from the charges u/s 341/323/294/506 I.P.C. Bail bond is extended till the expiry of six months from today.

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

9. Given under my hand and seal of this court on this 27th 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	Champak Barman	30/07/2020	30/07/2020	341/ 323/ 294/ 506 IPC	Acquitted	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	Niranjan Rajbongshi	Informant/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

Nalbari

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