

IN THE COURT OF JUDICIAL MAGISTRATE 1ST
CLASS:::::NALBARI

Present: SMTI NADIA REHMAN, AJS, JMFC, Nalbari

Dated:08.09.2022

P.R.Case No.1521 of 2019

Ghagrapar P.S. Case No.323/2019

(F.I.R. registered u/s 109/325 of I.P.C.)

COMPLAINANT :	State of Assam
REPRESENTED BY	Mr. Hem Chandra Sarma, Ld. APP
ACCUSED	1) Ramen Deka (A-1), 2) Archana Deka (A-2)
REPRESENTED BY	Sri Hiteswar Lahkar Ld. Defence Counsel

Date of Offence	04-08-2019
Date of FIR	04-08-2019
Date of Charge sheet	31-08-2019
Date of offence explanation	04-11-2019
Date of commencement of evidence	03-11-2022
Date on which judgment is reserved	N/A
Date of Judgment	08-09-2022

Date of the Sentencing Order, if any	Acquitted

: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	Ramen Deka	Not arrested	N/A	U/s- 294/506/323 of IPC	Acquitted	N/A	N/A
A-2	Archana Deka	Not arrested	N/A	U/s- 294/506/323 of IPC	Acquitted	N/A	N/A

(JUDGMENT)

1. In this case the accused persons namely Ramen Deka, S/O: Atul Deka, Village:Narikuchi, P.S.:Ghograpar, Dist:-Nalbari (Assam) and accused Archana Deka, W/O: Ramen Deka, Village:Narikuchi, P.S.:Ghograpar,

Dist:-Nalbari (Assam) stood for trial u/s 294/506/323 of the IPC.

2. Prosecution case as unfolded from the ejahar, dated 04.08.2019, lodged before O/C Ghagrapar P.S., by the informant Rina Lahkar Kalita is that on 04.08.2019 at about 1:30 p.m., while the husband of the informant Jaykanta Kalita was fancying his wall then the accused person gave blows with bamboo stump from his backside. As a result of which he sustained grievous injuries. The accused person also fell down him on water and beat him. Hence, this case was arisen.

3. The O/C Ghagrapar P.S., registered the case as Ghagrapar P.S. case No.323/2019 u/s 109/325 I.P.C. and investigated the matter. On completion of investigation, police filed charge sheet against the accused persons namely Ramen Deka and Archana Deka u/s 294/506/323 I.P.C.

4. During trial, the accused persons namely Ramen Deka and Archana Deka were allowed to go on bail. Relevant copies of the documents were furnished to them u/s 207 Cr.P.C. Upon perusal of materials on record and after hearing both sides, sufficient

materials were found against the accused persons u/s 294/506/323 of the IPC and contents of the charges were read over and explained to the accused persons to which, they pleaded not guilty and claimed to be tried.

5. Prosecution in support of the case examined two witnesses and declined to adduce further evidence. The examination of the accused persons namely Ramen Deka and Archana Deka u/s 313 of Cr.P.C. were dispensed with as no incriminating material was found against them. Defence declined to adduce evidence on their behalf.

6. This court has heard argument of both sides.

POINTS FOR DETERMINATION:

7. Upon hearing and perusal of the record, this court has framed the following points for determination.

(i) *Whether the accused persons namely Ramen Deka and Smti. Archana Deka on 04.08.2019 at about 1:30 p.m., at village Narikuchi under Ghagrapar p.s., in furtherance of their common intention used obscene*

language against the informant Smti. Anowara Begum in a public place causing annoyance to other and thereby committed offence punishable u/s 294,34 of IPC.?

(ii) Whether the accused persons namely Ramen Deka and Smti. Archana Deka on the same day, time and place in furtherance of their common intention had voluntarily caused hurt to the informant's husband namely Jaykanta Kalita and thereby committed an offence punishable u/s 323,34 of I.P.C.?

(iii) Whether the accused persons namely Ramen Deka and Smti. Archana Deka on the same day, time and place in furtherance of their common intention committed criminal intimidation by threatening informant Smti. Rina Lahkar Kalita with dire consequence and thereby committed an offence punishable u/s 506,34 of I.P.C.?

DISCUSSION, DECISION, AND REASONS THERE OF:

8. This court has carefully gone through the entire evidence-on-record and materials placed before this court.

9. The prosecution has examined two witnesses namely, Rina Lahkar Kalita, informant of the the case and her husband Jaykanta Kalita.

10. PW1 Rina Lahkar Kalita, the informant of this case in examination-in-chief deposed that she filed the ejahar against the accused persons. They are her neighbours. The incident took place about three years ago and on the date of the incident her husband had an argument with the accused persons with regard to shared boundary. They have resolved the dispute. She did not want to proceed with the case. She has no objection of the accused persons are acquitted from this case. Ext.P- 1/PW-1 is the ejahar.

11. Cross-examination declined by defence.

12. PW2 Jaykanta Kalita deposed in his examination-in-chief that the informant of this case is his wife. He know the accued persons as they are his neighbours. The incident took place about three years ago and on the day of the incident he had an argument with the accused persons with regard to shared boundary. They have resolved the dispute. He does not want to

proceed with the case. He has no objection if the accused is acquitted from this case.

13. Cross-examination declined by defence.

14. On perusal of the evidence-on-record, it is seen that there is no deposition which could suggest that the accused persons had committed voluntarily cause hurt to informant and her husband, used obscene words or committed criminal intimidation by threatening informant Smti. Rina Lahkar Kalita with dire consequence. No single instance of voluntarily causing hurt, criminal intimidation has been mentioned by PWs in their evidence deposed in court. It appears that due to shared boundary, altercation took place between the informant, her husband and the present accused persons and due to misunderstanding she lodged the FIR against the accused persons. However, the matter is amicably settled between them and presently they do not want to proceed with this case.

15. Therefore, the witnesses examined by prosecution side, has not supported the prosecution case. In

result, there are no incriminating material found against the present accused persons.

16. This court therefore, finds that the prosecution has failed to establish the guilt of the accused persons beyond reasonable doubt. As such, accused persons namely Ramen Deka and Archana Deka are not held guilty of the offence punishable u/s 294/323/506 I.P.C. and accordingly, they are acquitted and set at liberty forthwith.

17. The bail bond furnished on behalf of the accused persons shall remain in force for a further period of six months.

18. Seized articles if any, are to be disposed of as per law in due course.

19. Given under my hand and seal of this court on this 08th day of September, 2022.

SMTI NADIA REHMAN, AJS
J. M. 1ST CLASS, NALBARI.

Typed & corrected by me

Smti. Nadia Rehman, J.M.F.C., Nalbari.

A P P E N D I X

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	Rina Lahkar Kalita	Informant
PW-2	Jaykanta Kalita	Related witness

B. Defence Witnesses, if any: Nil

C. Court Witnesses, if any : Nil

LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS

A. Prosecution:

Sr. No.	Exhibit Number	Description
1	Exh.P-1/PW-1	Ejhar
2	Exh.P-1(1)/PW-1	Signature of the informant

B. Defence : Nil

C. Court Exhibits: Nil

D. Material Objects: Nil

Smti. Nadia Rehman, AJS

J. M. 1ST CLASS, NALBARI.