

**IN THE COURT OF Munsiff No. 1 cum JMFC,  
Nalbari**

**Present: Dr. Nabanita Kalita**

(Date of Judgment)  
12.09.2022

**PRC Case No. 1167/2019**

(Details of FIR/Crime and Police Station)

COMPLAINANT:	STATE OF Assam
REPRESENTED BY	SMTI. PRITIMA DEVI, APP.
ACCUSED	1) Arup Nath (2) Kumud Baishya (3) Pranjit Nath (4) Debajit Nath (5) Atul Nath (6) Rajkumar Nath (7) Nipal Barman
REPRESENTED BY	Raju Choudhary, Advocate

Date of Offence	Not noted
Date of FIR	01.03.2019
Date of Charge sheet	31.03.2019
Date of offence explanation	08.04.2021
Date of commencement of evidence	01.09.2022
Date on which judgment is	NIL

reserved	
Date of Judgment	12.09.2022
Date of the Sentencing Order, if any	NIL

### **Accused Details:**

Rank of the Accused	Name of Accused	Date of Arrest	Date 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	Arup Nath	25.03.2019	25.03.2019	143/506 IPC	Acquitted	N/A	N/A
A-2	Kumud Baishya	25.03.2019	25.03.2019	143/506 IPC	Acquitted	N/A	N/A
A-3	Pranjit Nath	25.03.2019	25.03.2019	143/506 IPC	Acquitted	N/A	N/A
A-4	Debajit Nath	25.03.2019	25.03.2019	143/506 IPC	Acquitted	N/A	N/A
A-5	Atul Nath	25.03.2019	25.03.2019	143/506 IPC	Acquitted	N/A	N/A
A-6	Rajkumar Nath	25.03.2019	25.03.2019	143/506 IPC	Acquitted	N/A	N/A
A-7	Nipal Barman	25.03.2019	25.03.2019	143/506 IPC	Acquitted	N/A	N/A

### **JUDGMENT**

1. The case of the prosecution in a nutshell is that since few days, the accused persons besides obstructing and mentally harassing in the informant's work, they have been threatening the informant with dire consequences. It is alleged that

since last 26 years, informant was working in RSS. But last on 3<sup>rd</sup> December, 2018 informant kept lecture in the election meeting of Congress for which the accused persons did conspiracy against him.

2. On receipt of the FIR, police of Doulasal OP made GDE no. 11 dtd. 01.03.2019 and forwarded the said GDE as Mukalmua PS Case no. 300/19 under Section 143/506 IPC against the accused persons and conducted investigation into the matter.

3. On completion of the investigation, the police submitted Charge sheet against the accused persons namely Arup Nath, Kumud Baishya, Pranjit Nath, Debajit Nath, Atul Nath, Rajkumar Nath and Nipal Barman under Section 143/506 IPC.

4. The accused persons entered their appearance in response to the process issued. Copies of relevant documents were furnished to the accused persons in accordance with section 207 Criminal Procedure Code.

5. Particulars of offence under section 143/506 of IPC were read over and explained to the accused persons by Id. SDJM(S), Nalbari to which they pleaded not guilty and claimed to be tried.

6. Vide order dtd. 13.05.2022 the case was transferred to this court from Id. SDJM(S), Nalbari.

7. During trial, the prosecution examined 1(one) witness. Thereafter, on prayer of the Id. APP, prosecution evidence has been closed as according to the opinion of the Id. APP calling other witnesses will not improve the case.

8. The statement of defence of the accused persons have been dispensed with due to lack of incriminating materials against them. Defence declined to adduce DW evidence.

### **POINTS FOR DETERMINATION**

i) Whether the accused persons formed an unlawful assembly and thereby committed an offence punishable under section 143 IPC?

ii) Whether the accused persons criminally intimidated the informant and thereby committed an offence punishable under section 506 IPC?

9. I have heard the learned counsel for both sides and have gone through the case record.

### **EVIDENCE ON RECORD**

10. PW 1 Harisankar Kr. Debnath is the informant of this case. He deposed in his examination-in-chief that he lodged this case. He knows the accused persons. PW 1 stated that the occurrence took place about three years ago. He used to work for Sangha. He had verbal altercation with the accused persons as regards to going to the election meeting. PW 1 stated that they had difference of opinion in connection with election matter. PW 1 stated that

he lodged the case due to misunderstanding. Accused persons are from his family. There is no allegation against the accused persons. As such, he does not want to proceed with the case. PW 1 further stated that now they have compromised the matter and they are staying affectionately. Ext. P1/PW 1 is ejahar. Ext. P1(1)/PW 1 is his signature.

**DISCUSSION, DECISION AND REASONS THEREOF**

11. Since both the points for determination are inter connected as such, I am going to discuss and decide both the points for determination together. After going through the evidence of PW 1, it transpires that PW 1 derailed from the allegations set forth in the FIR. From the deposition of the PW 1 it is seen that he has stated nothing incriminating against the accused persons in his evidence rather he deposed that he lodged the FIR due to misunderstanding. PW 1 stated that he had only conflict of opinion and verbal altercation with the accused persons relating to election matter. He also expressed his unwillingness to proceed with the case. Moreover, PW1 stated that the matter is amicably settled between them and they are staying affectionately. Since the PW 1 who is informant and victim, being the most vital witnesses did not implicate the accused persons to the alleged crime, I do not find any force in the

prosecution case to hold the accused persons guilty of the alleged crime.

12. Now it is the burden of the prosecution to establish the guilt of the accused persons. From the evidence of the prosecution witness, it appears that the witness has not adduced any evidence to hold the accused persons guilty under the alleged sections of IPC. Due to insufficient evidence on the part of the prosecution side, it is a fit case in my view to acquit the accused persons from the charges levelled against them. Hence, the accused persons deserves acquittal.

13. Situated thus, it is found that the prosecution has failed to implicate the accused persons Arup Nath, Kumud Baishya, Pranjit Nath, Debajit Nath, Atul Nath, Rajkumar Nath and Nipal Barman of any offence u/s 143/506 of IPC. As such, the points for determination are answered in negative and in favour of the accused persons.

### **ORDER**

In view of the discussion made above and the decisions reached in the foregoing points for determination, it is held that the prosecution failed to prove beyond reasonable doubt that the accused persons had committed the offence under Section 143/506 IPC. As such, the accused persons namely

Arup Nath, Kumud Baishya, Pranjit Nath, Debajit Nath, Atul Nath, Rajkumar Nath and Nipal Barman are acquitted of the charge under Section 143/506 IPC and set at liberty forthwith.

The bail bonds of the accused persons and their sureties shall remain in force for a period of six months from today in compliance with section 437(A) Criminal Procedure Code.

Case is disposed of on contest.

Given under my hand and seal of this court on this 12<sup>th</sup> day of September, 2022 at Nalbari, Assam.

(DR. NABANITA KALITA)  
Judicial Magistrate, 1st Class,  
Nalbari.

**APPENDIX****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)
PW1	Harisankar Kr. Debnath	Informant

**B. Defence Witnesses, if any:**

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
DW1	NIL	N/A

**C. Court Witnesses, if any:**

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
CW1	NIL	N/A



**LIST OF PROSECUTION/ DEFENCE /  
COURT EXIBITS**

**A. Prosecution:**

<b>Sr. No</b>	<b>Exhibit Number</b>	<b>Description</b>
1	P.Ext-1/PW1	FIR
2	P.Ext-1 <sub>1</sub> /PW1	Signature of PW1

**B. Defence:**

<b>Sr. No</b>	<b>Exhibit Number</b>	<b>Description</b>
1	Exhibit D1/ DW1	NIL

**C. Court Exhibits:**

<b>Sr. No</b>	<b>Exhibit Number</b>	<b>Description</b>
1	Exhibit C1/ CW1	NIL

**D. Material Objects:**

<b>Sr. No</b>	<b>Exhibit Number</b>	<b>Description</b>
1	MO1	NIL

DR. NABANITA KALITA)  
Judicial Magistrate 1st Class,  
Nalbari.