

**IN THE COURT OF
THE CHIEF JUDICIAL MAGISTRATE::BAKSA
Case No. : GR-128/18
Under Section 341/294/506 IPC**

**Present :- Smti. D. Boro, AJS,
Chief Judicial Magistrate, Baksa.**

The State of Assam.....Prosecution.

-Vs-

Soneswar Baro.....Accused Person.

Evidence recorded on :- 02-07-2019, 04-09-2019,
01-11-2019, 17-03-2021.
Argument heard on :- 23-06-2022
Judgment delivered on :- 02-07-2022

Advocate Appeared :-

Mr. Ranjit Basumatary.....APP for the State of Assam.

Mr. Gobinda Ch. Nath.....Advocate for the accused person.

J U D G M E N T

1. The gist of the case is that on 16-10-2017 informant Rimpi Boro lodged an FIR at Tamulpur PS to the effect that on 15-10-2017 at about 3 PM the informant and her mother went to her old house at Niz-Defeli. The accused came chasing the informant and her mother to the old house and verbally abused her using

indecent language and assaulted her. As result, she sustained grievous injury. The accused had threatened to kill the informant and her mother and asked them to go out of the old house.

2. Tamulpur PS Case No. 304/17, u/s 448/294/325 IPC was registered and investigated into. After completion of investigation, charge-sheet was submitted against the accused person u/s 341/294/506 IPC.
3. Particulars of offence u/s 341/294/506 IPC are read over and explained to the accused person to which the accused person has pleaded not guilty and claimed to be tried.
4. The prosecution examined 5 (five) Nos. of witnesses. The defence has examined none.
5. The accused person is examined u/s 313 Cr.P.C. The accused person has declined to adduce evidence.
6. I have heard argument of the learned A.P.P. as well as the learned defence counsel and perused all the relevant documents available on record.

7. POINTS FOR DETERMINATION:-

1. Whether the accused person had wrongfully restrained the informant and her mother?
2. Whether the accused person had uttered obscene words in the public to the annoyance of the informant?

3. Whether the accused person had criminally intimidated the informant and her mother?

8. DISCUSSION, REASONS AND DECISION:

9. POINT NO. 1, 2 & 3:

10. PW1 is the informant, PW2 is her mother and PW4 is the paternal uncle of the informant. PW3 and PW5 are independent witnesses. PW3 Karuna Boro and PW5 Anil Boro expressed their ignorance about the alleged incident.
11. PW1 Rimpi Boro/informant said that the accused is elder brother of her father. On 15-10-2017 at around 2.30 PM, while she went to the house of the accused i.e., their ancestral house, she asked the accused in lighter mood whether her family was not entitled to the ancestral property. On that her uncle/accused abused her verbally with filthy words and refused to give any share. He further slapped her and used force against her. The accused rebuked her like anything. When she returned to her house at Tamulpur, she lodged the FIR. Ext.1 is FIR.
12. In cross-examination, PW1 said that she filed the case on the day of the incident. She has admitted that she has not written in the FIR that she asked the accused in lighter mood whether they are not entitled to any share over the ancestral property.

13. PW2 Purnima Boro said the same thing as her daughter PW1. She has added one thing that the accused was intoxicated at that time.
14. PW4 Bhabendra Boro said that the informant is the daughter of his elder brother Lt. Benudhar Boro. The accused is his another brother. About one and half year ago, at around 1 PM, while he was at home, the informant along with her mother came to their house and started to quarrel with the accused. Later on, the informant filed a case against the accused alleging assault by him. However, the accused did not assault the informant.
15. From the evidence, it appears that the alleged incident took place on asking by the informant about share in the ancestral property. The father of the informant has already expired. The accused has said during his examination u/s 313 Cr.P.C. that the informant and her mother after selling all the property of her father/husband's share wanted new share of property. What the accused has said during his examination u/s 313 Cr.P.C. may be true or may not be true. Same is case with the informant. The mother of the informant would obviously tell in her daughter's favour.
16. I find that there is lack of sufficient evidence against the accused person. No evidence of any utterance of any obscene words by the accused is available on record. There is also no

evidence of any kind of threatening given by the accused to the informant and her mother. In view of the discussions, I find that it is not proved that the accused person had wrongfully restrained the informant and her mother **AND** the accused person had uttered obscene words in the public to the annoyance of the informant **AND** the accused person had criminally intimidated the informant and her mother. So, the accused person cannot be held guilty u/s. 341/294/506 IPC.

17. From the above discussions, I am of the considered opinion that the prosecution has failed to prove the guilt of the accused person beyond reasonable doubt u/s 341/294/506 IPC. So, I acquit accused Soneswar Baro of the charges u/s 341/294/506 IPC and is set at liberty.

18. Bail-bond furnished u/s 437(A) Cr.P.C. shall remain in force upto six months from today.

19. Given under my hand and seal of this Court this 2nd day of July, 2022.

Typed by me—

D. Boro
CJM, Baksa

D. Boro
CJM, Baksa

APENDIX

PROSECUTION EXHIBITS:

Ext.1- FIR.

DEFENCE EXHIBITS: NIL.

EXHIBITS PRODUCED BY WITNESSES: NIL.

COURT EXHIBITS: NIL.

PROSECUTION WITNESSES :

PW1- Rimpi Boro.

PW2- Purnima Boro.

PW3- Karuna Boro.

PW4- Bhabendra Boro.

PW5- Anil Boro.

DEFENCE WITNESSES :

COURT WITNESSES: NIL.