

IN THE COURT OF JUDICIAL MAGISTRATE FIRST CLASS,
BAKSA

P.R.C. Case No. 389 of 2019

.....
Under Sections 448, 323, 294 and 506 IPC

State

Vs.

Ghanashyam Das

..... Accused person

.....
Present: Pragyashree Chetia, AJS.

Judicial Magistrate First Class, Baksa

Evidence recorded on : 04.02.2022

Arguments heard on : 15.02.2022

Judgment delivered on : 15.02.2022

Appearing for the prosecution: Sri Kishor Basnet

Appearing for the defense : Sri Mrityunjay Mazumdar

JUDGMENT

1. The case of the prosecution in brief is that on 12.11.2018, the informant Parashuram Sarania lodged a FIR in Tamulpur Police Station wherein he alleged that on 11.11.2018 at around 7 P.M. the accused person along with some other persons criminally trespassed into the house of his uncle Chakreswar Das Rabha and verbally abused him and his family members and also chased towards Pranjal Sarania to hit him. His uncle sustained injuries in the scuffle and after that the accused person went away. Later that night the accused person called his uncle over the phone and threatened to kill him. Hence, the case.

2. On the basis of the FIR, a case was registered as Tamulpur P.S. Case Number- 461/2018 under Sections 448, 294, 325 and 506 IPC. SI Dibakar Gogoi, Tamulpur P.S. took up the investigation of the case and after the completion of the investigation charge sheet along with the case diary, a sketch map, one bail bond and one injury report was submitted by him against the accused person Ghanashyam Das under Sections 448, 323, 294 and 506 IPC.

3. The accused person appeared before this court and was released on bail. Copy of relevant documents was furnished to him in accordance with Section 207 Cr.P.C. Upon consideration

of relevant documents and hearing both parties, particulars of offences of the aforementioned sections were read over and explained to him to which he pleaded not guilty and claimed to be tried.

4. During trial, the prosecution examined 3(three) witnesses after which the prosecution evidence was closed. The recording of statement of the accused person u/S 313 Cr.P.C was dispensed with due to the lack of incriminating materials against him. Defence did not adduce any evidence.
5. Heard the arguments advanced by learned Assistant Public Prosecutor and learned defence counsel and perused the evidence on record.

POINTS FOR DETERMINATION

6. Whether accused person Ghanashyam Das on 11.11.2018, at about 7 P.M. criminally trespassed into the house of Chakreswar Das Rabha and thereby, committed an offence punishable under Section 448 IPC?
7. Whether accused person on the same date and time voluntarily caused hurt to the victim Chakreswar Das Rabha

and thereby, committed an offence punishable under Section 323 IPC?

8. Whether accused person on the same date and time, uttered obscene words in a public place and thereby, committed an offence punishable under Section 294 IPC?

9. Whether accused person on the same date and time, criminally intimidated the victim with threat to his person and thereby, committed an offence punishable under Section 506 IPC?

DISCUSSION DECISION AND REASONS THEREOF

10. The prosecution examined the informant Parshuram Sarania as P.W.1. In his examination in chief, he deposed that around three years ago, he lodged the case against the accused person due to some misunderstanding between them. He further deposed he has compromised the matter with the accused person and does not have any grievance against him. He identified the FIR as Exhibit 1 and his signature as Exhibit 1(1).

11. PW.2 Pranjali Sarania and PW.3 Chakreswar Das also deposed that the case was lodged around three years ago. They have compromised the matter and they do not have any grievance against the accused person.

12. I have carefully perused the evidence on record. From the perusal, it is seen that there was some misunderstanding between the informant and the victims and the accused person. They have resolved their dispute amongst them and they do not have any grievance against the accused person. Therefore, it is found that the testimonies of the witnesses do not reveal any incriminating material against the accused persons.

13. From the perusal of the testimony, it is seen that the witnesses have not implicated the accused persons for the incident. Thus, upon consideration of the evidence on record, it is found that the accused persons Ghanashyam Das are hereby not found guilty of offences charged with.

ORDER

In view of the above discussion, it is held the prosecution has failed to prove the allegation against the accused person Ghanashyam Das under Sections 448, 323, 294, 506 IPC beyond all reasonable doubt. As such, the accused person is acquitted of the offences punishable under the above-mentioned Sections and is set at liberty forthwith.

His bail bond is extended for a period of six months as per Section 437A Cr.P.C.

The judgment delivered and pronounced by me today in the open court given under my hand and seal of this Court on this 15th day of February, 2022.

The entire judgment is typed by me.

Pragyashree Chetia
JMFC, Baksa, Mushalpur

APPENDIX

PROSECUTION WITNESSES:

1. P.W.1: Parashuram Sarania
2. P.W.2: Pranjal Sarania
3. P.W.3: Chakreswar Das

DEFENCE WITNESSES:

None

PROSECUTION EXHIBITS:

1. Exhibit 1: FIR
2. Exhibit 1(1): Signature of P.W.1

DEFENCE EXHIBITS:

None

MATERIAL EXHIBITS:

None

Pragyashree Chetia
JMFC, Baksa, Mushalpur