

**IN THE COURT OF JUDICIAL MAGISTRATE FIRST CLASS,  
BAKSA**

**Present: P. Chetia, AJS, JMFC**

**Date of Judgment: 27.06.2022**

**P.R.C. No. 760/2019**

**Gobardhana P.S. Case No. 24/2015**

COMPLAINANT:	STATE OF ASSAM
REPRESENTED BY:	SRI. KISHOR BASNET
ACCUSED:	A1. MD. GAJI MANDAL
REPRESENTED BY:	SRI. UTPAL BARMAN

Date of Offence	05.02.2015
Date of FIR	06.02.2015
Date of Charge sheet	13.02.2015
Date of framing of Charges	30.04.2022
Date of commencement of evidence	14.06.2022
Date on which judgment is reserved	27.06.2022
Date of Judgment	27.06.2022
Date of Sentencing Order, if any	

### Accused Details:

Rank of the Accused	Name of the 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 the purpose of Sec. 428 Cr.P.C.
A1.	Md. Gaji Mandal			Section 341 and 506 IPC	Acquitted		

## **JUDGMENT**

1. The case of the prosecution in brief is that on 06.02.2015, the informant Prafulla Daimary lodged a FIR in Labdanguri O.P. wherein he alleged that on 05.02.2015 he went to Muslimbasti where he has his cultivation field along with one Fatik Ch. Das. while he was working in the field, the accused came to the field at about 4 PM armed with an axe and threatened him not to come back to that land. He threatened him of dire consequences and chased towards him with the axe. However, the local people rescued the informant. Hence, the case.
  
2. On the basis of the FIR, a GD Entry was made vide G.D.E. No. 70 and the FIR was forwarded to Gobardhana P.S. The FIR was registered as Gobardhana P.S. Case Number-24/15 under Sections 341 and 506 IPC. ASI Lohit Medhi took up the investigation of the case. After the completion of the investigation charge sheet along with the case diary, a sketch map and one bail bond against the accused person Md. Gaji Mandal under Section 341, 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, substance of

allegation u/S 341 and 506 IPC was read over and explained to him to which he pleaded not guilty and claimed to be tried.

4. During trial, the prosecution examined 1(one) witness 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 Md. Gaji Mandal, on 05.02.2015, at about 4 P.M. at the cultivation field of the informant Prafulla Daimary at Muslimbasti wrongfully restrained the informant and thereby, committed an offence punishable under Section 341 IPC?
7. Whether accused person Md. Gaji Mandal, on the same date, time and place criminally intimidated the informant Prafulla Daimary and thereby, committed an offence punishable under Section 506 IPC?

**DISCUSSION DECISION AND REASONS THEREOF**

8. The prosecution examined the informant as PW.1. He deposed that, the case was lodged against the accused person around 8 years ago due to some personal misunderstanding between them. He further deposed that he has compromised the matter with the accused does not have any grievance against him.
9. I have carefully perused the evidence on record. From the perusal, it is seen that the informant and the accused person are resolved their dispute amongst them. Therefore, it is found that the testimony of the witness does not reveal any incriminating material against the accused person and the informant did not support his own case. Thus, the accused person is hereby not found guilty of offence charged with.

**ORDER**

10. In view of the above discussion, it is held that the prosecution has failed to prove the allegation against the accused person Md. Gaji Mandal under Section 341 and 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.
11. His bail bond is extended for a period of six months as per Section 437A Cr.P.C.

12. The judgment delivered and pronounced by me today in the open court given under my hand and seal of this Court on this 27<sup>th</sup> day of June, 2022.

The entire judgment is typed by me.

Pragyashree Chetia  
JMFC, Baksa, Mushalpur

**APPENDIX  
LIST OF PROSECUTION/DEFENCE/COURT WITNESSES**

**A. PROSECUTION:**

<b>RANK</b>	<b>NAME</b>	<b>NATURE OF WITNESS</b>
P.W.1:	Prafulla Daimary	INFORMANT

**B. DEFENCE WITNESSES:**

None

**C. COURT WITNESSES:**

None

**LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS**

**A. PROSECUTION:**

<b>SR. NO.</b>	<b>EXHIBIT NUMBER</b>	<b>DESCRIPTION</b>
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None

**B. DEFENCE:**

None

**C. COURT EXHIBITS:**

None

**D. MATERIAL OBJECTS:**

None

Pragyashree Chetia  
JMFC, Baksa, Mushalpur