

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

**Present: P. Chetia, AJS, JMFC  
Date of Judgment: 10.06.2022**

**P.R.C. No. 990/2020  
Simla P.S. Case No. 52/2019**

COMPLAINANT:	STATE OF ASSAM
REPRESENTED BY:	SRI. KISHOR BASNET
ACCUSED:	A1. RAJANI KANTA DAS
REPRESENTED BY:	SRI. UTPAL BARMAN SRI. SADAGAR RAMCHIARY

Date of Offence	28.07.2019
Date of FIR	27.07.2019
Date of Charge sheet	30.09.2019
Date of framing of Charges	02.06.2022
Date of commencement of evidence	02.06.2022
Date on which judgment is reserved	10.06.2022
Date of Judgment	10.06.2022
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.	Rajani Kt. Das			Sections 294, 501, 506 IPC	Acquitted		

### JUDGMENT

- The case of the prosecution in brief is that on 28.07.2019, the informant Milan Das lodged a FIR in Jalah P.P.

wherein he alleged that the accused person was engaged in some illegal activities and when he objected to it, the accused person conspired against him and when one Dalimi Boro was giving him Rs. 200/- as contribution for Jalah Ansolik Bihu Utsav the accused without his permission made a video of it and published it in social media claiming that the informant was taking bribe from her. The whole incident injured his reputation to a large extent and affected his service which caused him mental agony. When he asked the accused person to remove the video, he threatened that he would not remove it. Hence, the case.

2. On the basis of the FIR, a GD Entry was made vide G.D.E. No. 355 and the FIR was forwarded to Simla P.S. The FIR was registered as Simla P.S. Case Number- 52/19 under Sections 294, 501, 506 IPC. ASI Lal Chan Ali and SI Prabin Bharali took up the investigation of the case. After the completion of the investigation charge sheet along with the case diary, a sketch map, one bail bond, and one accused verification report was submitted by them against the accused person Rajani Kt. Das under Sections 294, 501 and 506 IPC.
3. The accused person appeared before this court and as 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 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 Rajani Kt. Das, on or about the day of 27.09.2018, uttered obscene words in public place to the annoyance of the informant Milan Das and thereby, committed an offence punishable under Section 294 IPC?
7. Whether accused person, on or about the same date made a video of the informant and claimed that he took a bribe which he knew is defamatory of the informant and thereby, committed an offence punishable under Section 501 IPC?

8. Whether accused person, on or about the same date threatened the informant and thereby, committed an offence punishable under Section 506 IPC?

### **DISCUSSION DECISION AND REASONS THEREOF**

9. The prosecution examined the informant as PW.1. He deposed that, the case was lodged against the accused persons in the year 2019 ago due to some personal misunderstanding between them. He further deposed that he has compromised the matter with the accused person and does not have any grievance against him.
10. I have carefully perused the evidence on record. From the perusal, it is seen that there was some misunderstanding between the informant and the accused person. They have resolved their dispute amongst them and the informant does not have any grievance against the accused person. 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 offences charged with.

**ORDER**

11. In view of the above discussion, it is held the prosecution has failed to prove the allegation against the accused person Rajani Kt. Das under Sections 294, 501 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.

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

13. The judgment delivered and pronounced by me today in the open court given under my hand and seal of this Court on this 10<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:	Milan Das	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>
1.	Exhibit P1/PW1	FIR
2	Exhibits P1(1)/PW1	Signature of P.W.1

**B. DEFENCE:**

None

**C. COURT EXHIBITS:**

None

**D. MATERIAL OBJECTS:**

None

Pragyashree Chetia  
JMFC, Baksa, Mushalpur