



IN THE COURT OF THE CHIEF JUDICIAL MAGISTRATE

BAKSA: MUSHALPUR

PRESENT: *A.M.Md. Mahiuddin. M.Sc.;LL.B.*
Chief Judicial Magistrate,
Baksa, Mushalpur.

G.R.case no. 620/2018

u/s. 294/506/34, I.P.C.

State

Vs

1. Manoj Das (UTP) and

2. Golak Kalita

... Accused persons.

Date of offence explanation : 20-10-2016
Date of recording evidence : 28-11-2018 & 11-12-2018
Date of hearing argument : 11-12-2018
Date of delivery of the judgment : 11-12-2018

APPEARANCE :

Sri. Dipmoni Boro. (Addl.P.P.-For the State).

Sri. Anupjyoti Das and Smti. Swmshri Kachary. (Advocate - For the
Accused).

J U D G M E N T

1. The prosecution of the accused Manoj Das and Golak Kalita started on lodging of a written FIR before the in-charge of Jalah Police patrol post on 17/4/2017 by **Pradip Das** alleging that, on 16/4/2017 around 5.00 pm, the accused persons went to his farmhouse and demanded some money from his

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A.M.Md.Mahiuddin
Chief Judicial Magistrate
Baksa: Mushalpur.

Chief Judicial Magistrate
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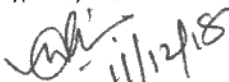
son Naba Kumar Das. As he refused, the accused persons verbally abused him with filthy language and criminally intimidated him. Then his son informed the matter to the informant and accordingly the informant along with his another son Hirak Das went to his farmhouse. When they returned, on the way accused Manoj Das attacked his son Hirak Das and he was saved by Naba Kumar Das.

2. As the ejahar was initially filed before the Jalah Police patrol post, where General Diary Entry No-239 dated 17/4/2017 was made, it was forwarded to Simla PS for registering a case. Accordingly, Simla PS case No-35/2017, u/s-341/294/506/34, IPC was registered and Police started to investigate the case. After completion of investigation, the Police submitted charge sheet No. 23/2017 dated 30/4/2017 against accused **Manoj Das (UTP) and Golak Kalita, u/s 294/506/34, IPC.**
3. After receiving the case for disposal, learned predecessor in chair took cognizance against the accused, issued summons against them. Accused Manoj Das was arrested and produced before the Court as he defied summons and accused Golak Das appeared and released on bail. They accused were supplied with the copies of the case u/s 207, Cr.P.C. As prima-facie material u/s 294/506/34, I.P.C. was found against the accused persons, the particulars of the offence were explained. On being asked, the accused persons pleaded not guilty and claimed to stand trial. The plea of the accused was total denial.

POINTS FOR DETERMINATION

1. ***Whether the accused persons, in furtherance of their common intention, abused the informant and his sons with filthy words, as alleged in the FIR?***
2. ***Whether the accused persons, in furtherance of their common intention, criminally intimidated the informant and his sons, as alleged in the FIR?***
4. During the trial, the prosecution has examined the informant and the victims and on the basis of their evidence, the prosecution closed its further evidence. Thereafter, considering the nature of the evidence on record, the examination of the accused persons u/s-313, Cr.P.C. is dispensed with. The accused declined to adduce evidence. Accordingly, arguments from both sides are

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A.M. Md. Mahiuddin
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heard.

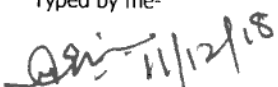
DISCUSSION, DECISION AND THE REASONS THERE OF

5. After going through the evidence on record of the informant / PW-2 Pradip Das and the victims i.e. PW-3 Hiral Das and PW-4 Naba Kumar Das, I find that, the case was lodged due to ego between the parties arose out of some misunderstanding. The witnesses specifically deposed that, they were never being abused or threatened by the accused persons.
6. Accordingly, I find that, there is no incriminating material against the accused **Manoj Das (UTP) and Golak Kalita** for warranting a conviction against them. Accordingly, I conclude that, the prosecution has miserably failed to substantiate its case and as such, the accused **Manoj Das (UTP) and Golak Kalita** are found not guilty and hence acquitted of the offence u/s-294/506/34, IPC.
7. The accused are set at liberty forthwith. The bail bond will remain in force for next 6(six) months or till furnishing of fresh surety by the accused person u/s 437(A), IPC, whichever is earlier.
8. Issue release order for UTP/accused Manoj Das.

This judgment is pronounced in the open Court, which is given under my hand and seal of the Court, on this 11th day of December, 2018.


(A.M.Md. Mahiuddin.)
Chief Judicial Magistrate,
Baksa, Mushalpur.
Chief Judicial Magistrate
Baksa, Mushalpur

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Chief Judicial Magistrate,
Baksa, Mushalpur
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