

**IN THE COURT OF THE SUB-DIVISIONAL JUDICIAL MAGISTRATE (M),
AT GOHPUR, SONITPUR**

**C.R. No. – 119/2018
U/S.: 341/323/294/506 of I.P.C.**

Smti. Jitumoni Das.....complainant

-Versus-

Smti. Purnima Das.....accused persons

**Present: Smt. Pooja Sinha, AJS,
Sub-Divisional Judicial Magistrate (M)
Gohpur**

**Advocate appearing for the Complainant : Sri Rajiv Phukan &
Smti. Bornali Chetia**

Advocate appearing for the Accused : Sri Tapas Chatterjee

Dates of recording evidence : 30.05.2019

Date of hearing argument : 30.05.2019

Date of delivering Judgment : 30.05.2019

JUDGMENT

- 1. The case of the complainant in brief is that,** last year in the month of "Bhado" at about 6 a.m. one Smt. Kusheswari Das at Brahmajaan, Danigaon was physically assaulted at her house by Purnima Das. That she also abused using foul language. That, the father-in-law of Jitumoni Das intervened and rescued her. Subsequently, on Novemembr 12,2018 at about 6.30 a.m. Purnima Das again verbally abused Jitumoni Das, beat her up and threatened with dire consequences.
- 2. On receipt of the Complaint filed by Smt. Jitumoni Das, criminal case was registered and was kept for disposal. After due inquiry, my learned Predecessor-in-office found sufficient grounds to proceed under section 341/323/294/506 of I.P.C. against the accused persons Smt. Purnima Das.**

3. On completion of the appearance of the accused person, my learned predecessor-in-office read over and duly explained to her the particulars of offences **under section 341/323/294/506 of I.P.C.** , to which she pleaded not guilty and claimed to be tried.
4. In support of the case, the prosecution examined two (2) witnesses. The Statement U/S 313 of Cr.P.C. of the accused person is dispensed with as no incriminatory materials found against the accused person.

5. **Point for determination :**

- I. **Whether the accused persons in Bhado month and on 12.11.2018 at about 6 a.m. at Brahmajaan Danigaon wrongfully restrained Smt. Kushewari Das and Smt. Jitumoni Das thereby committed an offence punishable U/S 341 of I.P.C.?**
- II. **Whether the accused person on same date, time and place used obscene language in a public way which caused annoyance to Smt. Kushewari Das and Smt. Jitumoni Das and thereby committed an offence punishable U/S 294 of I.P.C.? and**
- III. **Whether the accused person on 12.11.2018 same time and place criminally intimidated by threatening Smt. Jitumoni Das with injury and thereby committed an offence punishable U/S 506(I) of I.P.C.?**
- IV. **Whether the accused person on same date, time and place voluntarily caused hurt to Smt. Kushewari Das and Smt. Jitumoni Das and thereby committed an offence punishable U/S 323 of I.P.C.?**

6. **Discussion, Decision and Reasons thereof:** - I have heard the learned Counsel appearing for the State. Also heard the learned Counsel appearing for the accused persons. Upon hearing the learned Counsel for the parties and on perusal of the records, I am of the considered opinion to hold the following :-

7. **Point of Determination No. I , II , III & IV:** All the points are taken up together for discussion in order to maintain the flow and appreciation of evidence.
8. **P.W.1- Smt. Jitumoni Das, she is the complainant of the instant case. She in her examination-in-chief deposed that** she had lodged this case against Purnima Das. Purnima Das in her sister-in-law. That in the last 15th "Bhado" and on November, 2018 quarrel took place again amongst them. That, she had lodged this case out of anger and now they have resolved their differences.
9. **During her cross-examination she deposed that** if the accused is released she would have no objection.
10. **P.W.2- Smt. Kukheswari Das, she in her examination-in-chief deposed that** both the complainant and the accused are her daughter-in-laws. The incident took place in the month of "Bhado". Due to quarrel between them, the case was lodged. She wasn't injured in the quarrel. The incident took place at home.
11. **Her cross-examination was declined.**
12. **In the light of the above testimonies and on perusal of the materials on record it reveals that nothing incriminatory is stated as mentioned in the complaint petition by both the informant and the victims. Hence, benefit forwarded to accused person.**
13. Hence, I hold that prosecution has failed to prove the guilt of the accused persons beyond all reasonable doubt that **in the month of " Bhado" and on 12.11.2018 at about 6 a.m. at Brahmajaan Danigaon wrongfully restrained Smt. Kukheswari Das and Smt. Jitumoni Das, used obscene language in a public way which caused annoyance to Smt. Kushewari Das and Smt. Jitumoni Das, criminally intimidated by threatening Smt. Jitumoni Das with injury and voluntarily caused hurt to Smt. Kushewari Das and Smt. Jitumoni Das and thereby committed offences punishable U/S 341/294/506(I)/323 of I.P.C.**
14. **In the result, the accused person Smt. Purnima das is hereby acquitted on benefit of doubt U/S 341/294/506(I)/323of I.P.C. and set at liberty forthwith.**

15. Bail bonds furnished are hereby extended for a period of 6 (six) months.

16. The case is disposed of on accordingly.

Given under my hand and seal of this court on this the
30th day of May, 2019 at Gohpur.

**(Pooja Sinha)
Sub-Divisional Judicial Magistrate (M)
Gohpur**

Dictated and corrected by me

**(Pooja Sinha)
Sub-Divisional Judicial Magistrate (M)
Gohpur**

APPENDIX

Prosecution Witness-

P.W.1- Smt. Jitumoni Das

P.W.2- Smt. Kukheswari Das

Defence Witness-

Nil

Prosecution Side Exhibits-

Nil

Defence Side Exhibits-

Nil

**(Pooja Sinha)
Sub-Divisional Judicial Magistrate (M)
Gohpur**