

BEFORE THE COURT OF JUDICIAL MAGISTRATE 1ST CLASS , SONITPUR

Present :- Smti Sabita Bharadwaj , AJS

Judicial Magistrate 1st Class Sonitpur, at Tezpur

G.R.CASE NO :-3192/2017

Under section 341/294/352 IPC

State of Assam

- *VERSUS* -

Anjan Koch

S/o- Atul Koch

Vill- Salegaon,

P.S.- Tezpur

District- Sonitpur

-Accused person

Appeared

Learned App for State..... Karabi Das

Learned Counsel for Defence..... Kishore Kumar Bordoloi

Date of Evidence..... 28.05.2019

Date of Argument 28.05.2019

Date of Judgment..... 28.05.2019

JUDGMENT

1. Accused persons viz. Anjan Koch stood for trial for the allegations of committing offences u/s 341/294/352 IPC.
2. The prosecution case in brief is that on 07-02-2017 the informant viz. Kalpana Das lodged an "Ejahaar" before the Officer-in-charge Tezpur police station stating inter alia as on 14-08-2017 at around 6:00 PM the accused person physically assaulted and also abused her.
3. On the basis of the 'Ejahaar' a case has been registered at Tezpur P.S. Case no. 1657/17 u/s 341/294/352/506 IPC and investigation was initiated and after completion of investigation charge sheet was submitted against accused Anjan Koch u/s 341/294/352 IPC.
4. On the appearance of the above named accused person before the Court and also after furnishing the copies to him substance of offences u/s 341/294/352 IPC on being stated to the accused person by me and he pleaded not guilty and claimed trial.
5. The prosecution has examined 1 (one) no. of witness and exhibited 1 no. of document. The examinations of the accused u/s 313 Cr.P.C. is dispensed with finding no incriminating material against him. The accused declined to adduce any evidence in support of his defence.

POINTS FOR DETERMINATION:-

(I) Whether on 14-08-2017 at about 6.00 PM had accused person Anjan Koch wrongfully restrained the informant?

(II) Whether on 14-08-2017 at about 6.00 PM had accused person Anjan Koch uttered any obscene words to the annoyance of the informant?

(III) Whether on 14-08-2017 at about 6.00 PM had accused person Anjan Koch assaulted or used criminal force to the informant otherwise than grave and sudden provocation given by him?

6. I have carefully perused the entire materials available on case record and heard the arguments advanced by the Learned Counsels of both the sides and proceeded to decide as follows:

DISCUSSION , DECISIONS & REASONS THEREOF:-

7. P.W.1 Kalpana Das deposed in her testimony that she has amicably settled the dispute with the accused person, hence she would have no objection on the acquittal of the accused as the case was lodged by her out of some misconception.
8. From the materials evidence as available on the case record I have observed that in this instant case the testimony of the vital witness i.e. the informant viz. Kalpana Das did not support the case of prosecution rather she deposed that the instant case was lodged against the accused person out of some misconception.
9. Hence, the prosecution side has miserably failed to prove the guilt of the accused beyond all reasonable doubt and the accused person is entitled to get the benefit of doubt.

Hence, all the points for determination are decided in negative.

10. In result accused Anjan Koch is acquitted from the charges u/s 341/294/352 IPC and set at liberty.

Bail Bonds (if any) shall be valid up to expiry of 6 (six) months from the date of this order and Judgement.

Given under the hand & seal of this Court on this 28th day of May 2019.

Sabita Bharadwaj
Judicial Magistrate 1st Class
Sonitpur, Tezpur

Appendix

Names of the witnesses of Prosecution:-

1. P.W.1- Kalpana Das

Documents exhibited by Prosecution :-

1. Ext. 1- Ejahar
2. Ext. 1(1)- Signature of the informant

Names of the witnesses of Defence:- Nil

Documents exhibited by Defence :- Nil

Sabita Bharadwaj
Judicial Magistrate 1st Class
Sonitpur, Tezpur