

**IN THE COURT OF THE CHIEF JUDICIAL MAGISTRATE:
SONITPUR AT TEZPUR**

Present: Sri Debashish Saikia,
Chief Judicial Magistrate,
Sonitpur, Tezpur.

GR CASE NO.338/17
U/s 294/506/34 of IPC.

state

-vs-

1. Sri Gautam Gurung
 2. Smti Amarjeet Kaur Gurung
- accused

Appearances:

K Gogoi,
Learned Addl PP
& N Saikia, Asstt PP : For the prosecution.

SK Singh
Ld Counsel : For the accused persons

Date of recording evidence : 08-05-19

Date of hearing argument : 08-05-19

Date of judgment : 08-05-19

J U D G M E N T

1. The informant's case in brief is that :

The informant Smti Sobha Gurung (Boro) lodged an ejahar on 10-2-17 stating interalia that on the same day, a quarrel took place between her and the accused persons regarding some household matter. It is also alleged by the informant that the accused persons uttered her in obscene words and also threatened to kill her. Hence, the ejahar.

2. Police on receiving the ejahar registered the same as Rangapara P.S Case No 17/17 U/S 294/506/34 IPC and started investigation of the same. On completion of investigation, police submitted the charge sheet against the accused persons U/S /294/506/34 IPC.

- 3) Cognizance of the offence was taken, and summons was issued against the accused persons. On appearance of the accused persons, copy of the case was furnished.
- 4) Vide my order dtd 26-04-19, particulars of offence under Section 294/506/34 of IPC, is explained to the accused persons to which the accused pleaded not guilty and claimed to be tried.
- 5) During trial, prosecution has examined only one witness i.e. the informant. Prosecution declined to adduce further evidence as in the meantime, both the parties have compromised the matter. As such, prosecution evidence is closed.
- 6) Statements of the accused persons under Section 313 Cr.P.C have not been recorded as there are no incriminating material against them.
- 7) I have heard the arguments advanced by the learned Counsel of both sides and carefully perused the evidences on record.

8) **The points for determination are :**

- i) Whether the accused persons on 10-02-17 in furtherance of their common intention uttered obscene words and language to the informant to the annoyance of others and thereby committed an offence punishable under Section 294/34 of IPC?
- ii) Whether the accused persons on the same day in furtherance of their common intention committed criminal intimidation by threatening the informant and thereby committed an offence punishable under Section 506/34 of IPC?

DISCUSSION, DECISIONS AND REASONS THEREOF:

- 9) PW1 Smti Sobha Gurung is the informant of this case and she in her evidence has stated that the incident took place in the year 2017 at about 12

pm. She also stated that the accused persons quarreled with her and out of misunderstanding she lodged the ejahar but now she has compromised the matter. She has identified her ejahar as Ext.1 whereupon Ext.1(1) is her signature.

10) Defence declined to cross-examine the witness.

11) From the evidence of PW1, the informant, it has come out clearly that no incident took place as alleged in the ejahar. It also appears from her evidence that she lodged the ejahar out of misunderstanding and at present, she has compromised the matter. Hence, the offence U/S 294/506/34 of IPC is not attracted in this case.

ORDER

Accused Sri Gautam Gurug and Smti Amarjeet Kaur Gurung are acquitted of the charge u/s 294/506/34 IPC and are set at liberty forthwith.

The liability of the bailor is extended for 6 (six) months from today as per provision of the amended Cr.P.C.

This Judgment is given under my hand and the seal of this Court on this 8th day of May, 2019.

(D Saikia)
Chief Judicial Magistrate,
Sonitpur, Tezpur

Dictated and corrected by me:-

(D Saikia)
Chief Judicial Magistrate,
Sonitpur, Tezpur

A P P E N D I X

Prosecution witnesses

PW1 is Sobha Gurung

Defence witnesses

Nil

Documents exhibited by the prosecution

Ext.1 : Ejahar.

Documents exhibited by the defence

Nil.

(D Saikia)
Chief Judicial Magistrate,
Sonitpur, Tezpur