

IN THE COURT OF THE ADDITIONAL CHIEF JUDICIAL MAGISTRATE

SONITPUR AT TEZPUR.

PRESENT : Mrs. A. Rahman, A.J.S.,

Addl. Chief Judicial Magistrate, Sonitpur.

For the prosecution Sri. P. Baruah..... A P.P.

For the accused persons Sri. A. R. TiggaAdvocate.

Ref. : G.R. Case No. 2218 of 2016.

State of Assam

-vs-

Lakhi Das Paul

.....Accused person

Under sections u/s 447/294/323/506 of I.P.C.

Offence explained on.....16.08.17,

Evidence recorded on07.05.19,

Arguments heard on07.05.19,

Judgment delivered on.....16.05.19.

JUDGEMENT

1. The prosecution case in brief is that on 08.07.16 at about 5.30 PM Gauri Das, daughter of the accused Miss Lakhi Das Paul came to the pan shop of informant, wearing shorts to which she asked the girl not to come to her shop in such indecent way. For the said incident accused Lakhi Das Paul became aggrieved, she then abused the informant, using obscene words, physically assaulted her & also caused bruises by nails. Hence, this case.

2. On receipt of the FIR, the Officer-in-charge of Tezpur (Sadar) P.S. registered the case Tezpur (Sadar) P.S. Case No. 1182/16, U/S- 447/294/323/506 of I.P.C. and caused investigation. After completion of the investigation, the concerned I.O. submitted charge sheet against accused Lakhi Das Paul for commission of offences u/s 447/294/323/506 of I.P.C.
3. In due course, the accused persons appeared before the Court and the copies of relevant documents were furnished to them as per section 207 Cr.P.C. Having found a prima-facie case against the accused person u/s 447/294/323/506 of I.P.C. particulars of offence under said sections of law were read over and explained to the accused person to which she pleaded not guilty and claimed to be tried.
4. The prosecution, in support of its case, examined two witnesses, and as per submission of learned A.P.P., further evidence of prosecution side is closed. The defense side examined no witness. Statements U/S 313 Cr. P.C was dispensed with. I have heard the arguments advanced by the learned counsel of both the sides.

POINTS FOR DETERMINATION :

- (i) Whether the accused person on 08.07.16 at about 5.30 PM had entered into the premises of the informant in order to commit offence and thereby, committed an offence punishable u/s 447 of IPC. ?
- (ii) Whether the accused person on the same day place and time had uttered obscene words against the informant in or near to a public place towards her annoyance and thereby committed an offence punishable u/s 294 of IPC. ?
- (iii) Whether the accused person, on the same day, place and time had caused hurt to the informant and thereby committed offence punishable u/s 323 of IPC?
- (iv) Whether the accused person on the same day place and time had threatened the informant with injury to her person and property and thereby committed an offence punishable u/s 506 of IPC. ?

DISCUSSION, DECISION AND REASONS THEREOF:

5. **PW1, Niharika Rajkhowa Paul, the informant** stated that on 08.07.16 accused came to her pan shop and an altercation took place in between them out of some misunderstanding and for pushing and pulling she had sustained injuries. That

for the said reason she had filed the FIR. That at present she has no any grievance against the accused person. Ext. 1 is the FIR filed by her wherein Ext. 1(1) is her signature. She also stated that she has no objection if the accused is acquitted from this case.

- 6. PW2, Sri. Sudip Kumar Hore,** recognized both the accused and the informant. He state that on 08.07.16 there was an altercation took place between informant and accused in the shop of the informant. For which informant had filed the FIR.

In cross-examination he stated that he had not witnessed the incident in question. He had reached the place of occurrence after the incident was over and he has no any personal knowledge about the incident in question.

1. From discussion of the aforesaid evidences, it is seen that the case was filed out of misunderstanding and as such it is held that the prosecution has failed to bring home the guilt of the accused person beyond all reasonable doubt. The ingredients of the offences u/s 447/294/323/506 of IPC has not been proved against the accused person.
2. Accordingly, the accused person Lakhi Das Paul acquitted of the offences u/s 447/294/323/506 of IPC and she be set at liberty forthwith. The bail bonds stands cancelled and the bailer is discharged from the liability.
3. Signed, sealed and delivered in the open Court on this 16th day of May, 2019, at Sonitpur.

(Smt. A. Rahman)

Addl. Chief Judicial Magistrate,

Sonitpur :: Tezpur

APPENDIX

WITNESSES FOR THE PROSECUTION :

PW1, Niharika Rajkhowa Paul

PW2, Sri. Sudip Kumar Hore

WITNESSES FOR THE DEFENCE :

NIL.

DOCUMENTS EXHIBITTED :

Nil

(Smt. A. Rahman)

Addl. Chief Judicial Magistrate,

Sonitpur :: Tezpur

ORDER

16.05.19

Accused person Lakhi Das Paul is present.

From the materials available on record it is held that the prosecution has failed to bring home the guilt of the accused person beyond all reasonable doubt. The ingredients of the offences u/s 447/294/323/506 of IPC has not been proved against the accused person.

Accordingly, the accused person namely, Lakhi Das Paul is acquitted of the offences u/s 447/294/323/506 of IPC and she be set at liberty forthwith. The bail bonds stands cancelled and the bailer is discharged from the liability.

Judgment is prepared on separate sheets and is kept here with the record.

(Smt. A. Rahman)

Addl. Chief Judicial Magistrate,

Sonitpur :: Tezpur