

**BEFORE THE COURT OF JUDICIAL MAGISTRATE 1<sup>ST</sup> CLASS,**  
**SONITPUR TEZPUR**

**Present :- Smti Sabita Bharadwaj , AJS**

**Judicial Magistrate 1st Class, Sonitpur, Tezpur.**

**P.R. Case No. 794/18 (G. R. CASE NO :- 1382/18)**

**Under section 294/352/427/506 of IPC**

**State of Assam**

**-VERSUS-**

**Runmoni Das**

S/O- Late Dinakanta Das

Resident of Dipota Dakhin Path

Police Station - Tezpur

District – Sonitpur, Assam

**Accused person**

Appeared

Learned App for State..... Karabi Das

Learned Counsel for Defence..... Pratima Das

Dates of Evidence.....21.05.2019

Date of Argument .....21.05.2019

Date of Judgment..... 21.05.2019

## **JUDGMENT**

**1.** Accused person Runmoni Das stood for trial for the allegations of committing offences u/s 294/352/427/506 IPC.

**2.** The prosecution case is in brief that on 10.04.2018 the informant Pratima Das lodged an '*ejaha*' before the officer in charge of Tezpur P.S. stating inter alia as on 10.04.2018 accused person uttered obscene words and assaulted the informant.

**3.** On the basis of the '*ejaha*' a case has been registered as Tezpur P.S. case no. 710/2018 under section 294/352/427/506 IPC and investigation was initiated and after completion of investigation charge sheet was submitted against accused person u/s 294/352/427/506 IPC.

**4.** On the appearance of the accused person before the Court and also after furnishing the copies to him substances of offences u/s 294/352/427/506 IPC on being stated to him he pleaded not guilty and claimed trial.

**5.** The prosecution has examined 1(one) no. of witness and exhibited 1 (one) no. of document. The examination of the accused person under section 313 of Cr.P.C was dispensed with finding no incriminating materials against him. The accused person declined to adduce any evidence in support of their defence.

**6. POINTS FOR DETERMINATION:-**

**(I) Whether on 10-04-2018 at around 12:00 PM had accused Runmoni Das uttered any obscene words to the annoyance of the informant?**

**(II) Whether on 10-04-2018 at around 12:00 PM had accused Runmoni Das assaulted or used criminal force to the**

**informant otherwise than grave and sudden provocation given by him?**

**(III) Whether on 10-04-2018 at around 12:00 PM had accused Runmoni Das caused loss and damaged to the informant up to fifty rupees or upward?**

**(IV) Whether on 10-04-2018 at around 12:00 PM had accused Runmoni Das committed criminal intimidation by threatening the victim with injury to her property with intent to cause alarm to her?**

**7.** 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 :-**

**8.** P.W. 1 Pratima Das deposed in her respective part of testimony that she had lodged this instant case against the accused person out of some misconception and she has amicably settled the matter with the accused. She further stated that she would have no objection if the accused got acquittal.

**9.** Considering all the materials and evidences as available in the case record I have found that the vital witnesses of the prosecution i.e. informant/P.W.1 Pratima Das not supported its case rather she deposed that her case was lodged against the accused person due to some misconception.

**10.** Therefore, after going through the above noted observations I am of the considered opinion that the prosecution side has failed to prove the guilt of the accused person beyond all reasonable doubt.

Therefore, points for determination no. (I), (II), (III) & (IV) are decided in negative.

**11.** In result accused person Runmoni Das is acquitted from charges under sections 294/352/427/506 IPC and set at liberty.

Bail bonds (if any) shall be valid up to expiry of six (6) months from today.

Given under my hand and seal of this Court on this 21<sup>st</sup> May of 2019.

Smt. Sabita Bharadwaj  
Judicial Magistrate 1<sup>st</sup> Class  
Sonitpur, Tezpur

**APPENDIX**

**Names of the witnesses of Prosecution:-**

1. P.W.1 – Pratima Das

**Documents exhibited by Prosecution :-**

1. Ext.1 – 'Ejahaar'
2. Ext. 1(1)- Signature of Pratima Das

**Names of the witnesses of Defence:- Nil**

**Documents exhibited by Defence :- Nil**

Smt. Sabita Bharadwaj  
Judicial Magistrate 1<sup>st</sup> Class  
Sonitpur, Tezpur