

**P.R No-1002 of 2020
(State of Assam Vs Smt. Juri Mahato)**

IN THE COURT OF CHIEF JUDICIAL MAGISTRATE, SONITPUR:: TEZPUR

P. R. Case No. 1002 of 2020

Under section-448/294/323/506 of I.P.C

Present:- **Sri N. J. Haque, AJS,
Chief Judicial Magistrate,
Sonitpur, Tezpur**

State of Assam

-Vs-

Smt. Juri Mahato

W/O:- Sri Apurba Mahato

R/O:- Tal Kalibari, Ganga Ram Path

P/S:- Tezpur

Dist:-Sonitpur, AssamAccused Person

Advocate appeared:

Mr. N. K. Mishra, Addl. P.P..... For the State

Mr. Dulal Borah, Ld. Advocate..... For the accused person

Evidence recorded on	: - 22.02.2021
Date of Statement of defence	: - 22.02.2021
Argument heard on	: - 22.02.2021
Judgment delivered on	: - 22.02.2021

J U D G M E N T

History of Prosecution's Case

1. Prosecution's case appears to be in a narrow campus is that on 05.06.2019 one Sri Karan Mahato lodged an ejarah before the O/C of Tezpur P.S alleging inter alia that on the said date, accused Smt. Juri Mahato illegally entered into his house and without any reason stabbed his mother with dao and due to that his mother sustained injury on her hand. It is further stated that the accused person also physically assaulted him with lathi on his head and caused him head injury and also broke the household articles of his house. It is also stated that the accused threatened his grandmother.

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"INVESTIGATION"

2. On receipt of the ejahar, Tezpur P.S Case No. 955 of 2019 under section-326/325 of Indian Penal Code was registered and investigation into. On completion of the investigation, the I.O. of this case submitted charge sheet under section-448/294/323/506 of I.P.C against the accused person, named, Smt. Juri Mahato.

CHARGE & TRIAL

3. In pursuant to the court's process, the accused person appeared before the court and she was allowed to go on bail. Copies u/s-207 of CrPC was furnished to the above named accused person. After hearing both side, particulars of offences u/s-448/323/294/506 of I.P.C. were read over and explained to the accused person, on which she pleaded not guilty and claimed to be tried.

STATEMENT OF DEFENCE

4. The prosecution side to prove the guilty of the accused person examined two numbers of witnesses in support of this case. Considering the testimonies of the witnesses, prosecution side declined to adduce further evidence before this court. Hence, the evidence of prosecution side is closed. Examination of accused person under section-313 of Cr.P.C is dispensed with as from the testimonies of the prosecution witnesses nothing implicating disclosed against the accused person.

ARGUMENT

5. I have heard arguments of both sides, gone through the case record in the backdrop of evidences presented before this court by prosecution side.

6. **The points for determination in this case are:**

- (i) Whether on 05.06.2019 at about 6:30 PM at a place called Tal Kalibari under Tezpur PS, the accused person committed trespass by entering into the house of the informant named Sri Karan Mahato and thereby committed an offence punishable u/s-448 of IPC?
- (ii) Whether the accused person on the same date, time and place scolded the informant and his mother using filthy

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languages and thereby committed an offence punishable u/s-294 of IPC?

(iii) Whether on the same date, time and place, the accused person voluntarily caused simple hurt to the informant and his mother by way of beating them and thereby committed an offence punishable under section-323 of IPC?

(iv) Whether on the same date, time and place the accused person committed criminal intimidation by threatening the informant and his mother with dear consequences of their lives and thereby committed an offence punishable u/s-506 of IPC?

DECISION, DECISION AND THE REASON THEREOF:

7. In this case, prosecution side has got the burden of prove that on 05.06.2019 accused Smt. Juri Mahato illegally entered into his house and without any reason stabbed his mother with dao and also assaulted him with lathi and due to that both of them sustained injuries on their persons. It is also stated that the accused threatened his grandmother. In this case prosecution side to prove the case examined two numbers of witnesses in support of this case. I have carefully travelled through the testimonies of the prosecution witnesses in the backdrop of entire prosecution case and it finds:-
8. PW-1, Sri Karan Mahato being the informant of this case deposed before this court that he knows the accused person of this case. He further deposed that the incident took place around 1 year back one day in between 3 PM to 4 PM and on the date of alleged incident, there was an altercation with the accused person over some domestic matter and due to misunderstanding he lodged the ejahar against the accused person. He also deposed that there was dashing pushing took place between for which he along with his mother fell down and sustained injuries. He identified his ejahar as Ext-1 wherein he put his signature

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- as Ext-1(1). PW-1 in his cross-examination testified that he has no objection if the accused person gets acquittal from this case.
9. PW-2, Smt. Nitumoni Mahato deposed before this court that the informant is her son and the accused is known to her. She also deposed that the incident took place around one year back over some domestic matter with the accused person and due to misunderstanding her son lodged the ejahar against the accused person. Now, they have amicably settled the dispute with the accused person. Presently, she does not want to proceed further against the accused. PW-2 in her cross-examination testified that she does not have any objection if the accused gets acquittal from this case.
 10. Hence, it apparently appears before this court that PW-1 being the informant-cum-victim of this case contradicted the entire contentions of the ejahar by way of testifying that he had an altercation with the accused person over some domestic matter and due to misunderstanding he lodged the instant case against the accused person. PW-2 simply deposed before this court that now she does not want to proceed further against the accused person. PW-1 and PW-2 admitted that they do not have any objection if the accused gets acquittal from this case.
 11. To sum up the testimonies of the prosecution witnesses, it reveals before this court that the informant and the victim appears to be contradictory with the entire contention of the ejahar and their testimonies cannot be relied upon.
 12. In view of the above evidence on record, I am of the opinion that prosecution side has failed to prove the charges against the accused person, named, Smt. Juri Mahato beyond reasonable doubt and as such accused is acquitted from the charges u/s-448/294/323/506 of IPC and sets at liberty. Surety is extended for six months in view of section-437A of Cr PC.
 13. Judgment is pronounced in the open court, which is given under my hand and seal of this court on 22nd day of February, 2021.

(Sri N. J. Haque)
Chief Judicial Magistrate,
Sonitpur: Tezpur

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ANNEXURE

1. Witnesses for Prosecution:-

PW-1:- Sri Karan Mahato, the Informant

PW-2:- Smt. Nitumoni Mahato

2. Witnesses for Defence: NIL

3. Court Witnesses: NIL

4. Prosecution Exhibits:

Ext-1 :- FIR

Ext-1(1):- Signature of PW-1

5. Defence Exhibits: NIL

6. Material Exhibits: NIL

Chief Judicial Magistrate
Sonitpur, Tezpur