

IN THE COURT OF ADDITIONAL CHIEF JUDICIAL MAGISTRATE  
SONITPUR, TEZPUR, ASSAM

PRC Case No 183/19

(GR CASE NO:- 3146 of 2018)

U/S – 447/294/323/34 of the Indian Penal Code

State of Assam

Vs

1. Sri Narayan Chetry
2. Smti Bina Munda
3. Smti Aruna Chetry

Present : Sri. Angshuman Bhattacharjee,  
Addl. Chief Judicial Magistrate

For Prosecution : Sri. P. Baruah, Learned Addl. Public Prosecutor.

For the accused : Smti D Sinha, Learned Advocate.

Evidence recorded on : 08.02.2021

Arguments heard on : 08.02.2021

Judgement delivered on : 08.02.2021

**Judgement**

1. The prosecution story emanates from the FIR lodged by one Smti Kiran Devi stating inter alia that on 9-8-18 at about 11 pm while she and other family members were discussing some household matters, Sri Narayan Chetry, Smti Bina Munda, Sri Amor Chetry and Smti Kanchi Chetry entered into her house and altercated with them. They caused injury to the informant with an iron rod and also attempted to assault Smti Bhanu Devi. Hence, this case.

2. After completion of investigation the police filed charge-sheet against the accused Sri Narayan Chetry, Smti Bina Munda and Smti Aruna Chetry u/s 447/294/323/34 of the Indian Penal Code. At the relevant point of time, on receipt of summons the accused appeared before this Court and they were furnished copies as mandated u/s 207 Cr.P.C. Having found a case against the accused persons u/s- 447/294/323/34 of I.P.C., particulars of offence under the said

sections were explained to the accused to which they pleaded not guilty and claimed to be tried.

3. The prosecution examined only one witness and on the oral prayer of prosecution and defence sides as well as considering the materials on record, further prosecution evidence and SD were dispensed with.

**Points for determination:-**

- i. Whether the accused persons on 9-8-18 at about 11 pm in furtherance of their common intention uttered obscene words and language at 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 and time in furtherance of their common intention committed criminal trespass by entering into the house of the informant with intent to commit an offence to intimidate and thereby committed the offence punishable under Section 447/34 of IPC?
- iii. Whether the accused persons, on the same day and time, in furtherance of their common intention voluntarily caused hurt to the informant and is liable to be punished under Section 323/34 of IPC ?

**Appreciation of evidence, decision and reasons thereof:-**

4. PW1, Smti Kiran Devi is the informant of this case. She deposed that all the accused persons are her relatives. On 10-8-18 there took place a quarrel between her, her family members on one side and the accused persons on the other side over a trivial matter. Then out of misunderstanding and being incited by others, she lodged this case against the accused persons. Subsequently, she has amicably settled her dispute with the accused and they have resolved to reside peacefully. She does not have any grievance against the accused persons. Her daughter-in-law Smti Lilaboti Devi whom she had referred to in her ejahar has already expired. Ext.1 is her ejahar and Ext.1(1) is her signature thereon.

5. Let me now analyse how far the prosecution has been able to prove its case against the accused. It is seen that the informant as PW1 in course of her evidence admitted that the instant case has been lodged out of misunderstanding and she does not have any grievance

against the accused. PW1/informant has in no manner supported the prosecution case. This being the position, the prosecution case cannot be said to have been proved beyond all reasonable doubt.

6. In view of the discussions above it is hereby concluded that the prosecution has failed to prove its case beyond all reasonable doubt. As such this court holds that the accused Sri Narayan Chetry, Smti Bina Munda and Smti Aruna Chetry are not guilty of the offence U/S 447/294/323/34 of the Indian Penal Code and they be set at liberty forthwith. The bail bond furnished by the accused is hereby extended for six months from today (08-02-2021).

7. Seized articles if any, be delivered to his lawful owner after proper verification and following the process of law.

8. Judgement is delivered and pronounced in open court.

9. Given under my hand and seal of this court on this 8<sup>th</sup> day of February, 2021.

Sri. Angshuman Bhattacharjee  
Addl. Chief Judicial Magistrate  
Sonitpur, Tezpur

**APPENDIX**

Prosecution has examined one witness:-

PW 1 – Smti Kiran Devi

Defence side has not examined any witness.

Documents exhibited by the prosecution :-

Ext.1 ejahar

Documents exhibited by the defence -: Nil

Sri. Angshuman Bhattacharjee  
Addl. Chief Judicial Magistrate  
Sonitpur, Tezpur