

IN THE COURT OF THE SUB-DIVISIONAL JUDICIAL MAGISTRATE (M),

AT GOHPUR, SONITPUR

G.R.No. – 235/2017

U/S.: 341/506/34 of I.P.C.

S T A T E

-Versus-

1. Sri Chandra Kanta Borah

2. Sri Tapan Bania.....accused persons

**Present: Smt. Pooja Sinha, AJS,
Sub-Divisional Judicial Magistrate (M)
Gohpur**

Advocate appearing for the State : Smt. Barnali Chetia

**Advocate appearing for the Accused : Smt. Mina Dutta
Sri Debojit Dutta**

Dates of recording evidence : 26.06.2018

Date of hearing argument : 26.06.2018

Date of delivering Judgment : 26.06.2018

JUDGMENT

- 1. The case of the prosecution in brief is that,** on 23.08.2017 at about 9.30 a.m. at Napmuwa, Hawajaan when Pranjal Baruah along with few others were working in an IDEA Co. project, when one Chandra kanta Borah and one Tapan Bania came and restrained them from working and also threatened them with injury.
- 2. In this regard,** Sri Pranjal Baruah filed an ejahar on 23.08.2017, the Officer-in-Charge, Gohpur Police Station registered a case as Gohpur P.S. Case No. 195/17 under section 341/506/34 of I.P.C. The police conducted investigation and thereafter submitted charge-sheet against the accused persons **Sri Chandra Kt Borah and Sri Tapan Bania for trial under section 341/506/34 of I.P.C.**

3. In due course, the accused persons entered appearance. They were furnished with the copies as required under section 207 Cr.P.C. The particulars of the offences U/S 341/506/34 of I.P.C. was read over and explained to them, to which they pleaded not guilty and claimed to be tried.
4. In support of the case, the prosecution examined one (1) witness. Statement U/S. 313 of Cr.P.C. of the accused persons is dispensed with as no incriminatory materials found against the accused persons. Defence plea was of total denial. Defence opted not to adduce evidence.
5. **Point for determination :**
 - I. **Whether the accused persons on 23.08.2017 at 9.30 a.m. at Hawajaan in furtherance of common intention wrongfully restrained Sri Pranjal Baruah and few others and thereby committed an offence punishable U/S 341/34 of I.P.C.? and**
 - II. **Whether the accused persons on same date, time and place in furtherance of common intention committed criminal intimidation by threatening Sri Pranjal Baruah with injury and thereby committed an offence punishable U/S 506 (I)/34 of I.P.C.?**
6. **Discussion, Decision and Reasons thereof:** - I have heard the learned Counsel appearing for the State. Also heard the learned Counsel appearing for the accused persons. Upon hearing the learned Counsel for the parties and on perusal of the records, I am of the considered opinion to hold the following :-
7. **Point of Determination No. I & II:** **Both the points are taken up together for discussion in order to maintain the flow and appreciation of evidence.**
8. **P.W.1 Pranjal Baruah, he in his examination-in-chief deposed that** he is the complainant of the instant case. That, he is acquainted with both the accused persons. That, the incident took place one year

before on 20.08.17 in between P.W.1 and the accused persons Tapan Bania and Chandra kt Baruah. That, they had difference of opinion with boring related matters of the Company under which they were working. That, they had a scuffle and he filed a case against the accused persons. But, now they have amicably settled their dispute. He exhibited the ejahar as Ext.1 and identified his signature thereon.

- 9. In the light of the above testimony and on perusal of the materials on record it is observed that P.W.1 on record has spoken nothing incriminatory as alleged against the accused persons. Only point which has come out that they had a scuffle amongst themselves. As such, the points which require proof to prove the alleged offences U/S 341/506/34 of I.P.C. against accused stands not proved.**
- 10. Considering the above, I hold that prosecution has failed to prove the guilt of the accused persons beyond all reasonable doubt that on 23.08.2017 at 9.30 a.m. at Hawajaan in furtherance of common intention wrongfully restrained Sri Pranjal Baruah and few others criminally intimidated by threatening Sri Pranjal Baruah with injury and thereby committed an offence punishable U/S 341/506 (I)/34 of I.P.C.**
- 11. In the result, the accused persons Sri Chandra Kanta Borah and Sri Tapan Baniaare hereby acquitted on benefit of doubt U/S 341/506/34 of I.P.C. and set at liberty forthwith.**

12. Bail bonds furnished are hereby extended for a period of 6 (six) months.

13. The case is disposed of on contest.

Given under my hand and seal of this court on this the
26th day of June, 2018 at Gohpur.

(Pooja Sinha)
Sub-Divisional Judicial Magistrate (M)
Gohpur

Dictated and corrected by me

(Pooja Sinha)
Sub-Divisional Judicial Magistrate (M)
Gohpur

APPENDIX

Prosecution Witness-

P.W.1- Sri Pranjali Baruah

Defence Witness-

Nil

Prosecution Side Exhibits-

Ext.1- Ejahar

Defence Side Exhibits-

Nil

(Pooja Sinha)
Sub-Divisional Judicial Magistrate (M)
Gohpur