

IN THE COURT OF JUDICIAL MAGISTRATE FIRST CLASS

TEZPUR, ASSAM

G.R CASE NO:1489/17

U/S 341/323/294 of the Indian Penal Code

State of Assam

.....PROSECUTOR

-Vs.-

Jyoti Das

S/o Sri Sanjib Das

Village- Panpur Changalimora

P.S-Jamuguri, Dist- Sonitpur

.....ACCUSED

PRESENT: VISHEK BHUYAN, LL.M, AJS

JUDICIAL MAGISTRATE FIRST CLASS, TEZPUR

FOR PROSECUTION: LD. APP. Mr Tapan Das

FOR THE ACCUSED: Shri Rocktim Baruah, Sri Rupesh Das Roy

EVIDENCE RECORDED: 16.12.2021

ARGUMENTS HEARD ON: 16.12.2022

JUDGEMENT DELIVERED ON: 11.01.2022

JUDGMENT

1. The accused person Jyoti Das stood trial for offences punishable under Sections 341/323/294 of Indian Penal Code (hereinafter IPC).

Information and Investigation

2. The genesis of this case has its roots with the lodging of Ejahar by informant Smti. Mami Das is that, on 15.05.2017 at about 6 P.M. while she was at her house, the accused Sri Jyoti Das came to the front of her house and started verbally abusing her with obscene words and when she went near him to protest the same, the accused along with a few others pulled her by her hair, tore off her clothes and also beat her up due to which she sustained injury. Hence, this case.
3. The Ejahar was received and registered as Jamuguri P.S Case no 54/17 U/s 294/352/427/323 IPC. The police after investigation submitted charge sheet against the accused person under section 341/323/294 of IPC.

Trial

4. Cognizance was taken of the Charge sheeted offences and processes were issued upon which the accused person appeared and copies of the relevant documents were furnished to them in compliance with section 207 of Code of Criminal Procedure (hereinafter referred as Cr PC). The particulars of the offences were explained to the accused person, to which he pleaded not guilty and claimed to be tried.
5. In this case, the prosecution has examined the informant-cum-victim as PW-1. Considering testimony of the informant, the prosecution declined to further adduce evidence in this case. Hence, the evidence of prosecution side is closed. Examination of accused person u/s 313 Cr PC dispensed with as the prosecution did not adduce any implicating evidence against them.
6. After hearing the learned Counsel of both sides and after perusal of the case record, I do hereby frame the following points of determination.

POINTS FOR DETERMINATION

- i. Whether the accused person namely Jyoti Das on 15.05.2017 at about 6 PM wrongfully restrained the victim from proceeding and thereby committed an offence punishable U/s 341 of the IPC?***
- ii. Whether the accused person on the same day and time voluntarily caused hurt to the informant cum victim and, thereby, committed an offence punishable under Section 323 IPC?***
- iii. Whether the accused person on the same day and time committed obscene act by use of foul words to the annoyance of public and thereby committed an offence punishable under section 294 of the Indian Penal Code?***

PROSECUTION EVIDENCE

Evidence of the informant cum victim

7. **P.W 1 Momi Das** is the informant-cum-victim in this case. She states that she knows the accused and this case was lodged about 3-4 years back due to some household dispute, and presently the matter has been settled and that she has no complaint against the accused person.
8. **In her cross examination**, she states that she has no objection if the accused person is acquitted.

DISCUSSIONS, DECISIONS AND REASONS THEREOF

9. Upon a perusal of the evidence, it is clear that the informant-cum-victim of this case does not wish to proceed with the case, as the case was lodged due to a personal difference but since then the matter has been resolved among the two parties amicably and has no issue if the accused is acquitted of the charges brought against him.
10. As such the prosecution has failed prove that the accused person have committed the offences u/s 341/323/294 of IPC beyond reasonable doubt.

ORDER

In light of the above, it is held that the prosecution has failed to prove the case U/s 341/323/294 of IPC against the accused Jyoti Das beyond all reasonable doubt. Hence, he is hereby **acquitted** and set at liberty forthwith.

However, his bail bond shall remain in force for a period of next 6(six) months as provided by section 437A Cr PC.

Given in my hand and under the seal of this court on this the 11th day of January, 2022.

Typed by Me:

(Mr Vishek Bhuyan)
Judicial Magistrate First Class
Sonitpur, Tezpur

APPENDIX

Prosecution Witness:

PW-1: Smti. Momi Das

Defence Witness:

NIL

Prosecution Exhibits:

Ext-1: Ejahar

Ext-1(1): Signature of informant

Defence Exhibits:

NIL

(Mr Vishek Bhuyan)
Judicial Magistrate First Class
Sonitpur, Tezpur