

APPENDIX -12

IN THE COURT OF JUDICIAL MAGISTRATE FIRST CLASS, SONITPUR, TEZPUR Present: Smt. Priyanka Saikia, JMFC (Date of the Judgment) 21-11-2022 (CASE NO- P.R. 1018/2021) (Details of FIR/Crime and Police Station)	
Complainant	State of Assam or Sri Phoolkan Das
Represented By	Smti. Bandana Baro, Learned APP
Accused person	Sri Dipak Das S/o- Late Muhindra Das Village- Nabil P.S.- Jamuguri District- Sonitpur, Assam
Represented by	Shri Rajdeep Sharma

APPENDIX -13

Date of offence	23-03-2021
Date of FIR	23-03-2021
Date of charge sheet	31-05-2021
Date of offence explanation	10-11-2022
Date of commencement of evidence	21-11-2022
Date on which judgment is reserved	21-11-2022
Date of judgment	21-11-2022
Date of the sentencing order, if any	NIL

Accused Details

Rank of Accused	Name of Accused	Date of Arrest	Date of Release on Bail	Offences charged with	Whether acquitted or convicted	Sentence Imposed	Period of Detention undergone during Trial for purpose of Section 438, Cr.P.C.
A-1	Sri Dipak Das	NIL	29-09-22	Sections 294, 323, 506 of IPC	Acquitted	NIL	NIL

APPENDIX -14**LIST OF PROSECUTION / DEFENSE / COURT WITNESSES****A. Prosecution:**

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
PW1	Sri Phoolkan Das	Informant

B. Defense Witnesses, if any:

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
NIL	NIL	NIL

C. Court Witnesses, if any:

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
NIL	NIL	NIL

LIST OF PROSECUTION/ DEFENSE/ COURT EXHIBITS**A. Prosecution:**

Sr. No	Exhibit Number	Description
1	Ext. 1	Ejahaar
2	Ext. 1(1)	Signature

B. Defense:

Sr. No	Exhibit Number	Description
NIL	NIL	NIL

C. Court Exhibits:

Sr. No	Exhibit Number	Description
NIL	NIL	NIL

D. Material Objects

Sr. No	Exhibit Number	Description
NIL	NIL	NIL

JUDGMENT

1. The informant, Sri Phoolkan Das had lodged the ejahar in this case on 23.03.2021 alleging that on the same day at about 07.00 P.M. when there was a village meeting going on at Namghar, A-1 at the entry of the Namghar started abusing the informant with filthy language and defame him as a cook and also dragged him and beat him by bamboo stick on his left hand. A-1 also threatened informant with dire consequence. Hence this case.

2. Upon receipt of the ejahar, the police registered Jamuguri Police Station case no: 47/2021 under Sections 294, 325, 506 of Indian Penal Code, 1860 (hereinafter referred to as IPC). After completion of the investigation the police submitted charge-sheet against A-1 under Sections 294, 323, 506 of IPC.

3. A-1 entered trial and after furnishing the copies of the relevant documents in compliance with Section 207 of Cr.P.C and upon finding sufficient materials against A-1, offence under Sections 294, 323, 506 of IPC was explained to him to which he pleaded not guilty and claimed to be tried.

4. The prosecution examined the informant, Sri Phoolkan Das as PW-1 and also exhibited the ejahar. The statement of A-1 under Section 313 of Cr.P.C was dispensed with due to the lack of incriminating materials

against him. Defence declined to adduce evidence. I have heard the arguments for both sides.

5. Upon hearing and on perusal of the case record I have framed the following points for determination-

(I) Whether, on 23.03.2021 at about 7.00 P.M. A-1 uttered obscene act and word to the informant and his sons and thereby committed an offence punishable under Section 294 of Indian Penal Code?

(II) Whether, on the same date and time, A-1 voluntarily caused hurt to the informant and thereby committed an offence punishable under Sections 323 of Indian Penal Code?

(III) Whether, on the same date and time, A-1 committed criminal intimidation by threatening to cause death of the informant, with intent to cause alarm to him and thereby committed an offence punishable under Section 506 of Indian Penal Code?

DISCUSSION, REASONS AND DECISION THEREOF:

6. In the course of the evidence adduced by the prosecution, it emerged that the informant/PW-1, Sri Phoolkan Das, who was examined as PW-1 has stated that there was an altercation with A-1. He further stated that the matter was amicably settled between them as A-1 is from same village and he has no grudge against A-1. He does not want to proceed with the case and if A-1 is

acquitted from the case he does not have any objection. PW-1 has proved his F.I.R. as Ext-1 and his signature therein as Ext. 1(1).

7. In the given case, PW-1 has categorically deposes that at present, he does not want to proceed with this case. Therefore, there is no specific incriminating material against A-1 in the testimony of PW-1.

8. Since the informant who launched the prosecution of A-1 has not incriminated him, the case of the prosecution has fallen flat on its face. Therefore, upon perusal of the evidence on record, the Court has reached the conclusion that Prosecution has not been able to prove its case against A-1.

ORDER

9. Situated thus, A-1 is acquitted of the offence under Sections 294, 323, 506 of IPC and set at liberty forthwith.

10. The bail bond of A-1 will remain in force for 6 (six) months from today by virtue of Sec. 437A Cr.P.C.

Given under my hand and seal of this court on this 21st day of November, 2022 at Sonitpur, Assam.

(Priyanka Saikia, AJS)
Judicial Magistrate 1st Class
Sonitpur, Tezpur