

APPENDIX -12**IN THE COURT OF JUDICIAL MAGISTRATE FIRST CLASS****Present:** Smt. Darshana Nath, JMFC, SONITPUR, TEZPUR**[Date of the Judgment]**

11.10.2022

[PR Case No.36 of 2019]

(Details of FIR/ Crime and Police Station)

COMPLAINANT :	State of Assam Or Dharmeswar Rabha S/o- Thekaru Rabha R/o- Udalbari, P.S.- Dhekiajuli, Dist.- Sonitpur (Assam)
REPRESENTED BY	Smti Niva Devi, Ld. A.P.P.
ACCUSED	Deba Kanta Rabha S/o- Babul Rabha R/o- Sapai Baligaon, P.S.- Dhekiajuli, Dist.- Sonitpur (Assam)
REPRESENTED BY	A.K. Paul, Ld. Counsel.

APPENDIX -13

Date of Offence	27-07-2018
Date of FIR.	28-07-2018
Date of Charge-sheet	31-08-2018
Date of Offence Explained	08-11-2019
Date of commencement of evidence	19-09-2022
Date on which judgment is reserved	-
Date of the Judgment	11-10-2022
Date of the Sentencing Order, if any	-

ACCUSED DETAILS:

Rank of the Accused	Name of Accused	Date of Arrest	Date of Release on Bail	Offence charged with	Whether Acquitted or convicted	Sentence Imposed	Period of Detention undergone during Trial for purpose of Section 438, Cr.P.C.
A1	Deba Kanta Rabha	Nil	Nil	U/S 294/447 /506 IPC	Acquitted	Nil	Nil

**IN THE COURT OF JUDICIAL MAGISTRATE FIRST
CLASS AT SONITPUR, TEZPUR**

**PRESENT: DARSHANA NATH, MA, LL.M.,
JMFC, Tezpur, Sonitpur**

PR CASE NO: 36/2019

U/S 447/294/506 IPC

STATE

VS.

Deba Kanta Rabha

FOR PROSECUTION : Smti. Niva Devi, Ld. A.P.P.

FOR THE ACCUSED : A.K. Paul, Ld. Counsel.

EVIDENCE RECORDED ON : 19/09/2022

ARGUMENTS HEARD ON : 11/10/2022

JUDGEMENT DELIVERED ON: 11/10/2022

JUDGMENT

1. The accused person A1 stood trial for offences punishable under Sections 447/294/506 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/PW1 on 28/07/2018 wherein he stated that on 27/07/2018 at around 4 pm, the

accused person entered his house forcefully and used obscene word and threatened to kill him.

3. The Ejahar was registered as Dhekiajuli P.S Case no 565/2018 u/s 448/294/506 IPC. The police after investigation submitted charge sheet against the accused person under section 447/294/506 IPC.

Trial

4. Cognizance was taken of the charge sheeted offences and process was issued upon which the accused person appeared and copy of the relevant documents was furnished to him in compliance with section 207 of Code of Criminal Procedure (hereinafter referred as CrPC). Particulars of offences u/s 447/294/506 IPC are 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 as PW1 and victim as PW2. PW1 stated that he heard that accused on that very day came to his house and cut his footwear. He heard about the incident from his wife.
6. PW2 stated that accused came to her house to tell about that her cow ate his grass and not finding her husband the accused cut his sandel.
7. Considering testimony of the informant and other witnesses, 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 CrPC dispensed with as the prosecution did not adduce any incriminating evidence against him.
8. 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

a) Whether the accused person committed criminal trespass to the house of PW1 and thereby committed offence u/s 447 IPC?

b) Whether the accused person used obscene word to PW2 and thereby committed offence u/s 294 IPC?

c) Whether the accused used criminal intimidation to PW1 and thereby committed offence u/s 506 IPC?

PROSECUTION EVIDENCE

Evidence of the informant

9. PW1 is the informant. He stated that he heard that accused on that very day came to his house and cut his footwear. He heard about the incident from his wife.
10. PW2 stated that accused came to her house to tell about that her cow ate his grass and not finding her husband the accused cut his sandel.
11. In cross examination, the PWs failed to give any incriminating evidence against the accused person.
12. Hence, on prayer of prosecution, the prosecution evidence is closed.

DISCUSSIONS, DECISIONS AND REASONS THEREOF

13. Upon a perusal of the evidence, it is clear that the informant in this case does not wish to proceed with the case, as the case was lodged due to misunderstanding but now the matter has been resolved among the two parties amicably and they have no issue if the accused person is acquitted of the charges brought against him.
14. As such the prosecution has failed prove that the accused person has committed the offences u/s 447/294/506 IPC beyond reasonable doubt.

ORDER

15. In light of the above, it is held that the prosecution has failed to prove the case U/S 447/294/506 IPC against the accused person A1 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 CrPC.

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

Typed by Me:

Smti. Darshana Nath
Judicial Magistrate First Class, Tezpur

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

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
PW1	Dhameswar Rabha	Informant
PW2	Kheduli Rabha	Other witness(Victim)

B. Defence Witnesses, if any :

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
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		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/ DEFENCE/ COURT
EXHIBITS****A. Prosecution:**

Sr. No	Exhibit Number	Description
1	Exhibit P1/PW1	FIR

B. Defence:

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

Smti. Darshana Nath
Judicial Magistrate First Class, Tezpur