

PR 431/20
(State of Assam Vs Pranjal Bania)

<u>IN THE COURT OF ADDITIONAL CHIEF JUDICIAL MAGISTRATE</u> <u>SONITPUR, TEZPUR, ASSAM</u> Present : Smti P Chakravarty Addl. Chief Judicial Magistrate Sonitpur, Tezpur Date of judgment : -08.09.2022 U/S- 448/323/294/506 of IPC Details of FIR/Crime and Police Station	
Complainant :	State of Assam Or Sri Babul Bania S/O- Late Dalim Bania Vill- Da Parbatia, Sonari Gaon PS- Tezpur Dist- Sonitpur
Represented by :	Sri. P. Baruah, Learned Addl. Public Prosecutor
Accused :	Pranjal Bania S/O- Babul Bania, Vill- Da Parbatia, Sonari Gaon PS- Tezpur Dist- Sonitpur
Represented by :	Mr Biswajit Tamuli

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Date of offence :	17-10-2019
Date of FIR :	17-10-2019
Date of Charge sheet :	30-12-2019
Date of commencement of evidence :	08-09-2022
Date on which judgment is reserved :	
Date of judgment :	08-09-2022
Date of Sentencing order, if any :	Nil

ACCUSED DETAILS:

Rank of the 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 428, Cr.P.C.
1.	Pranjal Bania	Nil	08-08-22	U/S-448/323/294/506 of IPC	Acquitted	Nil	Nil

J U D G M E N T

1. The prosecution case arises out of an ejahar lodged by the informant Sri Babul Bania on 17-10-19 stating inter alia that on the same day at about 9 pm he took out his Scooty from the room of his son/accused Sri Babul Bania for some important piece of work. After sometime, accused came home and assaulted him without any rhyme or reason thereby causing him grievous injury and also caused damage to the household articles. He further stated that the accused had also caused injury on his chest by stabbing him with a dao and also threatened to kill him. Hence, this case.

2. On receipt of ejahar, Tezpur PS case no. 2018/19 U/S-325/427/294/506 IPC was registered and ASI Mohan Ch. Nath was entrusted for investigation of this case. After completion of investigation the police filed charge-sheet against the accused persons u/s- 448/323/294/506 IPC. At the relevant point of time, on receipt of summons the accused person 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- 448/323/294/506 IPC, particulars under said section of law were explained to the accused persons to which they pleaded not guilty and claimed to be tried.

3. The prosecution examined only 1 (one) witness and on the oral prayer of prosecution and defence sides as well as considering the evidence of the PW-1, further prosecution evidence and SD were dispensed with.

The points for determination is :

- i. Whether the accused on 17-10-19 at about 9 am committed house trespass by entering into the house of the informant and thereby committed an offence punishable under section 448 IPC?
- ii. Whether the accused person on the same day, time and place had voluntarily caused hurt to the informant and thereby committed an offence punishable U/S 323 of the IPC ?
- iii. Whether the accused person on the same day and time uttered obscene words at the informant and thereby committed an offence punishable under

Section 294 of IPC?

- iv. Whether the accused person on the same day and time committed criminal intimidation by threatening the informant and thereby committed an offence under Section 506 of IPC ?

DISCUSSION OF EVIDENCE

4. PW1 Sri Babul Bania is the informant of this case. He deposed that the accused is his son and due to some misunderstanding he had lodged the case against his son but the same was amicably resolved later on. He further deposed that during the said incident he did not sustain any injury and at present he is not willing to proceed with the case against the accused. He has identified his ejahar as Ext.P1/PW-1 whereupon Ext.P1(1)/PW-1 is his signature thereon.

In his cross-examination, he stated that he has no objection if the accused person is acquitted from this case.

DECISION AND REASONS THEREOF

6. I have heard the prosecution and defence side.

7. Let me now analyse how far prosecution side has been able to prove its case beyond all reasonable doubt against the accused persons.

8. For the sake of brevity and convenience, all points for determination are taken up for consideration together.

9. Let me now analyse how far the prosecution has been able to prove its case against the accused person.

10. It is seen that PW1, the informant of this case in course of his evidence admitted that due to some misunderstanding the informant had lodged the case against the accused who is his son. Later on, all issues were amicably resolved between both the parties. Thus, PW1 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.

11. In view of the above aspects, it is hereby held that prosecution has failed to prove its case beyond all reasonable doubt. As such, accused Pranjali Bania is

acquitted of the charge U/S- 448/323/294/506 IPC and is set at liberty forthwith. The bail bond furnished by the accused person is hereby extended for six months from today (08.09.2022).

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

13. Judgement is delivered and pronounced in open court.

14. Given under my hand and seal of this court on this 08th day of September, 2022.

Smti P Chakravarty
Addl. Chief Judicial Magistrate
Sonitpur, Tezpur

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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	Babul Bania	Informant

B. Defence 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/ DEFENCE/ COURT EXHIBITS

1. Prosecution:

Sr. No	Exhibit Number	Description
1	Ext.P1/ PW-1	Ejhar

B. Defence:

Sr. No	Exhibit Number	Description
1	Nil	Nil

C. Court Exhibits:

Sr. No	Exhibit Number	Description
1	Nil	Nil

D. Material Objects:

Sr. No	Exhibit Number	Description
	Nil	Nil