

IN THE COURT OF JMFC-20,
SONITPUR, TEZPUR

Present: **Shri Vishek Bhuyan,**
AJS

[Date of the Judgment]
09-11-2022

[PR Case No : 540 of 2022]
[GR Case No : 373 of 2022]

(Details of FIR/ Crime and Police Station)

Complainant :	STATE OF ASSAM OR Mrs. Jahnabi Kalita
REPRESENTED BY	Learned A.P.P Sri Niranjan Saikia
ACCUSED PERSON	A1. Sri Keshab Kr. Nath S/o- Sri Kiran Saikia Vill- Milanpur Saikia Chuburi P.S- Tezpur, District- Sonitpur
REPRESENTED BY	J. H Ansari

FORM B

Date of Offence	23.01.2020
Date of FIR.	29.01.2020
Date of Charge-sheet	26.02.2022
Date of offence explained	22.08.2022
Date of commencement of evidence	28.10.2022
Date on which judgment is reserved	NIL
Date of the Judgment	09.11.2022
Date of the 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 438, Cr.P.C.
A1.	Keshab Kr. Nath	NA	12.07.2022	294/506	Acquitted	NIL	

Form C**A. Prosecution**

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
PW1	Jahnabi Kalita	Other witness (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**A. Prosecution:**

Sr. No	Exhibit Number	Description
1	Exhibit P 1	FIR
2	Exhibit P 1(1)	Signatures of informant

A. Defence:

Sr. No	Exhibit Number	Description
NIL	NIL	NIL

A. Court Exhibits

Sr. No	Exhibit Number	Description
NIL	NIL	NIL

A. Material Objects:

Sr. No	Material Object Number	Description
NIL	NIL	NIL

**IN THE COURT OF JUDICIAL MAGISTRATE FIRST
CLASS**

TEZPUR, ASSAM

P.R CASE NO: 540 OF 2022

GR CASE NO: 373 OF 2022

U/Sec 294/506 of the Indian Penal Code

State of Assam

.....PROSECUTOR

-Vs-

A1. Sri Keshab Kr. Nath

S/o- Sri Kiran Saikia

Vill- Milanpur Saikia Chuburi

P.S- Tezpur, District- Sonitpur

.....ACCUSED PERSON

PRESENT: VISHEK BHUYAN, LL.M, AJS
JUDICIAL MAGISTRATE FIRST CLASS, TEZPUR

FOR PROSECUTION: LD. APP. Sri Niranjan Saikia

FOR DEFENCE: Ld. Advocte J.H Ansari

EVIDENCE RECORDED: 28.10.2022

ARGUMENTS HEARD ON: 09.11.2022

JUDGEMENT DELIVERED ON: 09.11.2022

JUDGMENT

1. The accused person Keshab Kr. Nath stood trial for offences punishable under Sections 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 Mrs. Jahnabi Kalita wherein she stated that on 23.11.2021 the accused person threatened her and also verbally abused her with obscene words. Hence this case.
3. The Ejahar was received and registered as Tezpur P.S Case no. 201/2022 U/s 294/506 of IPC. The police after investigation submitted

charge sheet against the accused person under Sections 294/506 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 him in compliance with section 207 of Code of Criminal Procedure (hereinafter referred as Cr.P.C). Accordingly, charge under the aforesaid section has been 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 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.P.C dispensed with as the prosecution did not adduce any implicating evidence against him.
6. After hearing the learned Counsel of both sides and after perusal of the case record, I do hereby frame the following point of determination.

POINT FOR DETERMINATION

i) Whether the accused person on 23.11.2022 verbally abused the informant with obscene words in a public place and thereby committed an offence punishable U/s 294 of IPC ?

ii) Whether the accused person on the same date threatened the informant with dire consequences and thereby committed an offence punishable U/s 506 of IPC ?

PROSECUTION EVIDENCE
Evidence of the informant

7. P.W 1 Jahnabi Kalita states that she is the informant. She knows the accused. The incident took place in the year 2022. A misunderstanding took place between them and due to which she filed ejahar. Her husband drives a car of the accused and regarding this the misunderstanding took place. Presently, the matter has been settled between them amicably. **In the cross examination** she states

that she has no objection if the accused person is acquitted from the case.

DISCUSSIONS, DECISIONS AND REASONS
THEREOF

8. Upon perusal of the evidence it is seen that the case was lodged in due to some misunderstanding but since then the matter has been settled between them amicably and the informant does not wish to proceed with the case. Further, the informant has no objection if the accused person is acquitted from this case.
9. As such the prosecution has failed to prove that the accused person has committed the offences under sections 294/506 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 294/506 of IPC against the accused person Keshab Kr. Nath beyond all reasonable doubt. Hence, he is hereby **acquitted** and set at liberty forthwith.

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

Given in my hand and under the seal of this court on this the 09th day of November, 2022.

Typed by Me:

Sri Vishek Bhuyan

Judicial Magistrate First Class, Tezpur

APPENDIX

Prosecution Witness:

PW-1: Jahnabi Kalita

Defence Witness:

NIL

Prosecution Exhibits:

Ext- P1:Ejahaar

Ext-P1(1) : Signature of the informant.

Defence Exhibits:

NIL

Sri Vishek Bhuyan

Judicial Magistrate First Class, Tezpur.