

IN THE COURT OF JMFC-20,
SONITPUR, TEZPUR

Present: **Shri Vishek Bhuyan,**
AJS

[Date of the Judgment]
20-10-2022

[PR Case No : 692 of 2021]
[GR Case No.. 215 of 2018]

(Details of FIR/ Crime and Police Station)

Complainant :	STATE OF ASSAM OR Smt. Buli Mandal
REPRESENTED BY	Learned A.P.P Sri Niranjan Saikia
ACCUSED PERSON	A1. Mithun Das S/o- Late Khagen Das Vill- Borbhagia P.S- Dhekiajuli, District- Sonitpur
REPRESENTED BY	Ld. Advocete Abhijit Bhuyan and Ld. Advocate Mijanur Ahmed.

FORM B

Date of Offence	15.01.2018
Date of FIR.	17.01.2018
Date of Charge-sheet	28.02.2018
Date of offence explained	09.06.2022
Date of commencement of evidence	23.09.2022
Date on which judgment is reserved	NIL
Date of the Judgment	20.10.2022
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.	Mithun Das	NA	29.04.2022	354/447/506	Acquitted	NIL	

Form C**A. Prosecution**

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
PW1	Buli Mandal	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: 692 OF 2021

GR CASE NO: 215 OF 2018

U/Sec 354/447/506 of the Indian Penal Code

State of Assam

.....PROSECUTOR

-Vs-

Sri Mitun Das

S/o- Late Khagen Das

Resident of Vill- Borbhogia

P.S- Dhekiajuli, Dist. - 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 Abhijit Bhuyan and
Ld. Advocate Mijanur Ahmed.

EVIDENCE RECORDED: 23.09.2022

ARGUMENTS HEARD ON: 14.10.2022

JUDGEMENT DELIVERED ON: 20.10.2022

JUDGMENT

1. The accused person Mithun Das stood trial for offences punishable under Sections 354/447/506 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 Smt. Buli Mandal wherein she stated that on 15.01.2018 at about 11 PM the accused came to her house and asked her to open the door when no one else was there and as soon as she opened the door the accused person bound her mouth and dragged her outside. The accused person tried to abduct her but she managed to shout and

due to which the accused person pulled her by her hair and also tried to disrobe her. Hence this case.

3. The Ejahar was received and registered as Dhekiajuli P.S Case no. 52/2018 U/s 354/447/506/34 of IPC. The police after investigation submitted charge sheet against the accused person under Sections 354/447/506 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 15.01.2018 at 11 PM used criminal force against the informant Smt. Buli Mandal intending to outrage her modesty and thereby committed an offence punishable U/s 354 of IPC ?

ii) Whether the accused person on 15.01.2018 at 11 PM committed criminal trespass into the house of the informant and thereby committed an offence punishable U/s 447 of IPC ?

iii) Whether the accused person on 15.01.2018 at 11 PM 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 Buli Mandal** states that she is the informant and she knows the accused person who stays near her house. The incident took place in the year 2018. The incident took place at 9 PM. Her father in law had a quarrel with the accused. Due to a misunderstanding she filed a ejarah. There was some pushing and shoving took place. **In the cross examination** the accused from her village. 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 354/447/506 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 354/447/506 of IPC against the accused person Mithun Das 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 20th day of October, 2022.

Typed by Me:

Sri Vishek Bhuyan

Judicial Magistrate First Class, Tezpur

APPENDIX

Prosecution Witness:

PW-1: Smt. Buli Mandal

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.