

APPENDIX -12

IN THE COURT OF JUDICIAL MAGISTRATE FIRST CLASS, SONITPUR, TEZPUR Present: Smt. Priyanka Saikia, JMFC (Date of the Judgment) 12-12-2022 (CASE NO- P.R. 782/2022) (Details of FIR/Crime and Police Station)	
Complainant	State of Assam or Smti Rupali Biswas
Represented By	Smti. Bandana Baro, Learned APP
Accused persons	1. Sri Rana Das 2. Sri Janu Das @ Biki Both are sons of- Sri Paritosh Das Village- Namonigaon, near puja mandap P.S.- Rangapara Dist- Sonitpur, Assam
Represented by	Smti D. Sinha

APPENDIX -13

Date of offence	19-03-2022
Date of FIR	20-03-2022
Date of charge sheet	27-03-2022
Date of charge frame	21-07-2022
Date of commencement of evidence	06-12-2022
Date on which judgment is reserved	06-12-2022
Date of judgment	12-12-2022
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 Rana Das	NIL	15-06-22	Section 294, 352, 506, 34 of IPC	Acquitted	NIL	NIL
A-2	Sri Janu Das @ Biki	NIL	15-06-22	Section 294, 352, 506, 34 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	Smti Rupali Biswas @ Das	Informant
PW2	Shri Rupesh Biswas	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

J U D G M E N T

1. The informants, Smti Rupali Biswas and Sri Rupesh Biswas had lodged the ejahar in this case on 20.03.2022 alleging that on the 19.03.2022 there was a quarrel between Abhijit Das and A-1. When informant Rupesh Das went there, A-1 & A-2 taken him to their house and assaulted him. When informant Rupali Biswas went there, they also assaulted her. A-1 and A-2 uttered abusive language to her and also threatened them with dire consequence. Hence, this case.

2. Upon receipt of the ejahar, the police registered Rangapara Police Station case no: 50/2022 under Sections 294, 352, 506, 34 of Indian Penal Code, 1860 (hereinafter referred to as IPC). After completion of the investigation the police submitted charge-sheet against the A-1 & A-2 under Sections 294, 352, 506, 34 of IPC.

3. A-1 & A-2 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 them, charge under Sections 294, 352, 506, 34 of IPC is framed and the same has been explained to them to which they pleaded not guilty and claimed to be tried.

4. The prosecution examined the witnesses. As there was no incriminating material in the prosecution evidences against them, the statement of the A-1 & A-2 under

Section 313 of Cr.P.C was dispensed with. Defense 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, 19.03.2022 A-1 & A-2 in furtherance of their common intention, uttered obscene act and word to the informants and thereby committed an offence punishable under Section 294, 34 of Indian Penal Code?

(II) Whether, on same date, A-1 & A-2 in furtherance of their common intention, assaulted and used criminal force upon the informants and thereby committed an offence punishable under Section 352, 34 of Indian Penal Code?

(III) Whether, on same day, A-1 & A-2 in furtherance of their common intention, threatened the informants to kill them and thereby committed an offence punishable under Section 506, 34 of Indian Penal Code?

DISCUSSION, REASONS AND DECISION THEREOF:

6. In this case prosecution examined 2 (Two) witnesses.

7. PW-1 (Smti Rupali Biswas) & PW-2 (Sri Rupesh Biswas) in their evidence stated that A-1 & A-2 are their neighbour. There was a verbal altercation with A-1 & A-2 on the incident day. Thereafter they had lodged the ejahar. They have proved their F.I.R. as P.Ext-1/PW-1

and their signature therein as P.Ext. 1(1)/PW-1 & P.Ext. 1(1)/PW-2.

In their cross examination PW-1 & PW-2 deposed that the matter was settled amicably between them and there is no any grudge against A-1 & A-2 and do not want to proceed with the case. If A-1 & A-2 gets acquitted from the case they do not have any objection.

8. Since the informant who launched the prosecution of A-1 & A-2 have not incriminated them, 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 & A-2.

ORDER

9. Situated thus, A-1 & A-2 are acquitted of the offence under Sections 294, 352, 506, 34 of IPC and set at liberty forthwith.

10. The bail bond of A-1 & A-2 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 12th day of December, 2022 at Sonitpur, Assam.

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