

**APPENDIX-12**

**IN THE COURT OF CHIEF JUDICIAL MAGISTRATE, SONITPUR**  
**TEZPUR**

Present:- Sri Nabajit Bhatta. AJS. MA, LL.B.  
Chief Judicial Magistrate,  
Sonitpur, Tezpur

[Date of the Judgment]  
**16.09.2022**

**[PR Case No-1024 of 2020]**

(FIR NO-144/2020 DATED-20.01.2020/CHEATING /CRIMINAL BREACH OF  
TRUST/CRIMINAL INTIMIDATION CASE AND TEZPUR POLICE STATION)

COMPLAINANT :	STATE OF ASSAM OR Dr. Monika Bordoloi, D/O:- Late Prafulla Sharma Bordoloi, State Veterinary Hospital, Tezpur, P/S:- Tezpur Dist:- Sonitpur, Assam
REPRESENTED BY	Mrs. Karabi Das, Ld. Asst. P.P
ACCUSED PERSON	Sri Siddhartha Baruah, S/O:- Sri Anjan Baruah, R/O:- Adabari T.E., P/S:- Chariduar Dist:- Sonitpur, Assam
REPRESENTED BY	Mr. Kabin Sharma, Ld. Counsel

**APPENDIX-13**

Date of Offence	16.09.2019
Date of FIR	20.01.2020
Date of Charge Sheet	28.07.2020
Date of Framing of Charge	27.07.2022
Date of commencement of evidence	16.09.2022
Date on which judgment is reserved	16.09.2022
Date of Judgment	16.09.2022
Date of the Sentencing Order, if any	NIL

**ACCUSED DETAILS :**

Rank of the Accused	Name of the accused	Date of Arrest	Date of Release on Bail	Offences charged with	Whether acquitted or convicted	Sentenced Imposed	Period of Detention undergone during Trial for purpose of Sec. 428 Cr.P.C.
A-1	Sri Siddhartha Baruah	21.01.2020	04.02.2020	Sec-420/406/506 of IPC	Acquitted	NIL	12 Days

**IN THE COURT OF CHIEF JUDICIAL MAGISTRATE, SONITPUR::**  
**TEZPUR**

**P. R. Case No-1024 of 2020**

State of Assam  
-Vs-  
Sri Siddhartha Baruah

.....Accused Person

Under section-420/406/506 of I.P.C

*Present:*

*Sri Nabajit Bhatta AJS. MA, LL.B.*  
*Chief Judicial Magistrate, Sonitpur at Tezpur*

16<sup>th</sup> day of September, 2022

Mrs. K. Das, Asst. P.P ..... Advocate for the State  
Mr. H. Bora, Ld. Counsel ..... Advocate for the Accused

Date of Hearing : 16.09.2022  
Date of Argument : 16.09.2022  
Date of Judgment : 16.09.2022

**J U D G M E N T**

1. Prosecution story in brief is as follows that the informant, namely, Smt. Monika Bordoloi lodged an FIR before the O/C of Tezpur Police Station to the effect that on 20.01.2020 the accused person, Sri Siddhartha Baruah threatened her over phone. It also stated that she knew the accused since from the month of December, 2018 and he had visited their locality regarding some loan amount of her flat. But on 16.09.2019 she has a doubt as the accused did not continue her bank loan transaction as she had already given her passbook, ATM along with some documents to him. She further stated that the accused person asked her to give him

money to open game parlour by promising her of marriage. Thereafter, she gave money to him. It is also stated that on 17.09.2019 she called the bank authority to know about her loan matter then she learnt that the said accused never did anything regarding her loan matter and also informed her that no such person called "Borthakur" is working in SBI, Tezpur. Thereafter, on suspicion she called the accused and asked about the same then the accused in the next day the accused returned all the documents and when she asked about her money i.e. Rs.4,00,000/- the accused threatened her of dire consequences. She further stated that on 20.01.2022 at duty hours the above-named accused threatened her of dire consequences of her life in presence of her staffs, namely, Fakaruddin Ahmed, Mukut Baruah, Sanowar Siddique etc. Hence, the case.

2. The instant case was registered under section-420/406/506/34 of I.P.C. and police investigated the same. After completion of investigation police submitted charge-sheet against the above-named accused person, namely, Sri Siddhartha Baruah under section-420/406/506 of I.P.C.
3. That my Ld. Predecessor in office took cognizance of the offence against the accused person. On appearance of the accused person copies of relevant documents were furnished to accused person and the charge under section-420/406/506 of I.P.C. was framed against the accused and the said charge was read over and explained to the accused person to which he pleaded not guilty and claimed to be tried.
4. Prosecution in order to prove the case has examined only one witness i.e. the informant-cum-the victim in support of this case. Defence plea was total denial. Defence has adduced no evidence. Statement of the accused person has been recorded U/S-313 of Cr. P.C.

5. **POINTS FOR DETERMINATION:-**

- (i.) Whether the accused person within the period of 21.12.2018 and 16.09.2019 at a place called Tezpur Vety. Hospital under Tezpur PS cheated the informant, namely, Dr. Monika Bordoloi induced her fraudulently and dishonestly under the promise of marrying her and thereby inducing her to deliver an amount of Rs.4,00,000/-, which was the property of the informant and accordingly, the accused alter or destroy the whole or any part of that amount by deceitful means and thereby committed an offence punishable under section-420 of the Indian Penal Code?
  - (ii.) Whether the accused person on the same date, time and place entrusted with Bank Passbook, ATM Card of informant and consequently, criminally misappropriated the said Bank Passbook and ATM for causing wrongful loss to the informant and gaining wrongfully which the accused is not legally entitled to and thereby committed an offence punishable under section-406 Indian Penal Code?
  - (iii.) Whether the accused person on 20.01.2020 threatened the informant-cum-victim namely, Dr. Monika Bordoloi with dear consequences of her life and thereby committed an offence punishable under section-506 Indian Penal Code?
6. Heard argument from the Ld. Advocate of accused person. On perusal of the evidence on record and case diary the very findings are as follows.

**DISCUSSION, DECISION AND REASONS THEREOF**

7. The prosecution opening the account of examining the witness first brought the informant, namely, Dr. Monika Bordoloi as PW-1. The PW-1 has stated that she knows the accused person and the incident took place around 2 years back. She also stated that she had a relation with the accused and the accused asked her for financial help. She further stated that the accused promised to marry her but due to some unavoidable circumstances he could not take his promise with her. After that, she lodged the ejahar against the accused. She identified her ejahar as P. Ext-1 wherein she put her signature as P. Ext-1(1). She further stated that later on, they have amicably settled their dispute and after that she got married with one person, namely, Dr. Sushil Ch. Deka and live conjugal life happily with him.
8. In cross-examination, PW-1 has stated that she has no objection if the accused person is released by the court. She further stated that she does not want to proceed with the case against the accused.
9. I have minutely perused the evidence on record including the cross-examination of the witness. From the above discussions, no sufficient incriminatory materials have been found against the accused person. Thus, keeping view of what has been discussed above this court has no least hesitation that the prosecution has failed miserably to establish the guilt of the accused U/S: 420/406/506 of I.P.C. Hence, the accused person, namely, Sri Siddhartha Baruah is not found guilty.

**ORDER**

Accused person, namely, Sri Siddhartha Baruah is acquitted from the Charges under section-420/406/506 of I.P.C. and set at liberty forthwith.

Bail-bond of the accused person is extended for six months in view of section-437A of Cr PC.

Judgment is prepared and pronounced in open court. Given under my hand & seal of this court on this 16<sup>th</sup> day of September, 2022 at Tezpur.

**(Sri Nabajit Bhatta)**  
**Chief Judicial Magistrate,**  
**Sonitpur: Tezpur**

Dictated and Corrected by me

Chief Judicial Magistrate,  
Sonitpur: Tezpur

**APPENDIX -14**  
**LIST OF PROSECUTION/DEFENCE/COURT WITNESSES**

**A. Prosecution:**

<b>RANK</b>	<b>NAME</b>	<b>NATURE OF EVIDENCE</b> (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
PW-1	Dr. Monika Bordoloi	INFORMANT

**B. Defence Witnesses, if any:**

<b>RANK</b>	<b>NAME</b>	<b>NATURE OF EVIDENCE</b> (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
NIL	NIL	NIL

**C. Court Witnesses, if any:**

<b>RANK</b>	<b>NAME</b>	<b>NATURE OF EVIDENCE</b> (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
NIL	NIL	NIL

**LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS**

**A. Prosecution:**

<b>Sr. No.</b>	<b>Exhibit Number</b>	<b>Description</b>
1	Ext-1/PW-1	Ejhar
2	Ext-1(1)	Signature of PW-1

**B. Defence:**

<b>Sr. No.</b>	<b>Exhibit Number</b>	<b>Description</b>
NIL	NIL	NIL

**C. Court Exhibits:**

<b>Sr. No.</b>	<b>Exhibit Number</b>	<b>Description</b>
NIL	NIL	NIL

**D. Material Objects:**

<b>Sr. No.</b>	<b>Exhibit Number</b>	<b>Description</b>
NIL	NIL	NIL

Chief Judicial Magistrate,  
Sonitpur: Tezpur