

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]
17.11.2022

[PR Case No-27 of 2022]

(FIR NO-112/2020 DATED-18.11.2020/ WRONGFUL RESTRAINT/ CRIMINAL
INTIMIDATION CASE AND THELAMARA POLICE STATION)

COMPLAINANT :	STATE OF ASSAM OR Smt. Mira Das, W/O:- Sri Binod Kalita, R/O:- Arasuti, P/S:- Thelamara, Dist:- Sonitpur, Assam
REPRESENTED BY	Mrs. Karabi Das, Ld. Asst. P.P
ACCUSED PERSONS	Sri Mithun Dey, S/O:- Sri Jiten Dey, R/O:- Katonigaon, P/S:- Thelamara, Dist:- Sonitpur, Assam
REPRESENTED BY	Mr. Fazjul Haque, Ld. Counsel Mr. Biswajit Tamuli, Ld. Counsel Mrs. Ankita Dutta, Ld. Counsel

APPENDIX-13

Date of Offence	18.11.2020
Date of FIR	18.11.2020
Date of Charge Sheet	30.11.2020
Date of Offence Explanation	05.08.2022
Date of commencement of evidence	17.11.2022
Date on which judgment is reserved	17.11.2022
Date of Judgment	17.11.2022
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 Mithun Dey	NIL	NIL	Sec-341/506 of IPC	Acquitted	NIL	NIL

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

P. R. Case No-27 of 2022

State of Assam
-Vs-
Sri Mithun Dey

.....Accused Person

Under section-341/506 of I.P.C

Present:

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

17th day of November, 2022

Mrs. K. Das, Asst. P.P Advocate for the State
Mr. F. Haque, Ld. Counsel Advocate for the Accused

Date of Hearing : 17.11.2022
Date of Argument : 17.11.2022
Date of Judgment : 17.11.2022

J U D G M E N T

1. Prosecution story in brief is as follows that informant, namely, Smt. Mira Das lodged an FIR before the O/C of Thelamara Police Station to the effect that on 18.11.2020 at about 10:30 AM, accused person, namely, Sri Mithun Dey went to the construction site and illegally stopped the construction work. It is also stated that on being came to know about the same, she went to the construction site wherein the accused abused her using filthy languages and further the accused assaulted her. It is also stated that if she does not control herself then the accused person demanded money from her. Hence, the prosecution case.
2. The instant case was registered under section-294/506 of I.P.C. and police investigated the same. After completion of the investigation police

submitted charge-sheet against the accused person, namely, Sri Mithun Dey under section-341/294/506 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 particulars of offences under section-341/506 of I.P.C. were 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 the informant 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 on 18.11.2020 at about 10:30 AM at Thelamara Centre near Lakhi Mandir under Thelamara PS wrongfully restrained the workers of construction site and thereby committed an offence punishable u/s-341 of Indian Penal Code?

(ii.) Whether the accused person on the same date, time and place criminal intimidation by threatening the informant, Smt. Mira Das with injury to her person and thereby committed an offence punishable u/s-506 of the Indian Penal Code?

6. Heard argument from the Ld. Advocate of the 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 witnesses first brought the informant, namely, Smt. Mira Das as PW-1. The PW-1 has stated in her evidence-in-chief that she knows the accused person of this

case. She also stated that the incident took place in the year 2020 one day at about 10:30 AM and on the day of the incident, an altercation took place between her and the accused person over some construction work of their Panchayat area. 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 stated that thereafter, they have amicably settled the case outside the court and she does not want to proceed further against the accused person. In cross-examination, PW-1 has stated that she has no objection if the accused person is released by the court.

8. I have minutely perused the evidences 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 person U/S: 341/506 of I.P.C. Hence, the accused person, namely, Sri Mithun Dey is not found guilty.

ORDER

Accused person, namely, Sri Mithun Dey is acquitted from the Charges under section-341/506 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 17th day of November, 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:

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
PW-1	Smt. Mira Das	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	Ext-1/PW-1	Ejahaar
2	Ext-1(1)	Signature of PW-1

B. Defence:

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

Chief Judicial Magistrate,
Sonitpur: Tezpur