

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

Present: MANASHI NEOG, JMFC, SONITPUR

(Date of Judgment: 21.10.2022)

PR No. 2000/19

Under Section 294/506 of IPC

(FIR No.123/19, registered u/s 294/506, IPC at Thelamara P.S.)

Complainant:	State of Assam
Represented By:	A.K. SAHANI
Accused:	1. JUBANATH PEGU @ BHAITY (A1) S/O Lt. Joychandra Pegu, Resident of vill. Joyrampur, Madarguri, Police Station –Dhakuwakhana, District- Lakhimpur, Assam
Represented By:	J. BORAH, L. DEVI

Date of Offence	Not mentioned
Date of FIR	23.10.2019
Date of Charge sheet	29.11.2019
Date of Framing of Charges	22.07.2022
Date of commencement of evidence	21.10.2022
Date on which judgment is reserved	NA
Date of Judgment	21.10.2022
Date of the Sentencing Order, if any	NA

Accused Details:

Rank of the Accused	Name of Accused	Date of Arrest	Date Release on Bail	Offences charged with	Whether Acquitted or convicted	Sentence Imposed	Period of Detention Undergone during Trail for purpose of Sec. 428 Cr.P.C.
A1	Jubanath Pegu @ Bhaity	-	-	Section 294/506, IPC	Acquitted	NA	NA

JUDGMENT

1. The informant, Nabami Boro lodged an ejahar at Thelamara P.S. alleging inter alia that she met the accused on facebook and consequently developed a romantic relationship with him. They later met in person and the accused took several pictures of the informant. However their relationship ended owing to certain reasons and post their break up the accused had been threatening the informant by stating that he would morph her pictures and upload them on social media thereby causing mental harassment to her.
2. The ejahar was registered as Thelamara P.S. Case No. 123/2019 under sections 294/506, IPC. The police after investigation submitted charge sheet against the accused Jubanath Pegu @ Bhaity under the said sections.
3. Cognizance was taken against the accused person and summon was issued. On appearance of the accused person, copy was furnished to him as per section 207 CrPC. The particulars of offence under section 294/506, IPC was read over and explained to him to which he pleaded not guilty and claimed to be tried.
4. The prosecution examined 1 (one) witness in support of its case. After closing of Prosecution evidence, the statement of the accused person under section 313, CrPC was dispensed with in absence of incriminating materials against him. The defence declined to adduce any evidence.
5. Having heard both sides, I have framed the following point for determination to adjudicate this case.

- a. Whether the accused following the period of his break up with the informant used obscene words for her and thereby committed an offence punishable under section 294, IPC?
 - b. Whether the accused during that period criminally intimidated the informant with injury to her reputation and thereby committed an offence punishable under section 506, IPC?
6. In the course of the evidence adduced by the prosecution, it emerged that the informant, Nabami Boro who was examined as PW-1 did not support the prosecution story. PW-1 proved the ejahar as Exhibit P-1 and her signature as Exhibit P-1(i). PW-1 has deposed that she lodged the complaint out of misunderstanding against him following a conversation she had with the accused. But she reconciled with him later and hence does not want to prosecute him further. PW-1 has added that she has no objection if the accused person is acquitted in the case. From the evidence of the prosecution witness, it appears that no incriminating material is available against the accused person. No offence has therefore been made out against the accused person under any section of law.
- 7.** Since the informant has not incriminated the accused person, the case of the prosecution has fallen flat on its face. Hence, the point for determination is decided in the negative.
- 8.** Considering the above, I come to the safe conclusion that, the prosecution has failed to prove the charges under section 294/506,

IPC against the accused person. Accordingly, the accused person is found not guilty of the offences charged against and is acquitted.

ORDER

- 9.** The accused Jubanath Pegu @ Bhaity is acquitted of the offence charged with and is set at liberty forthwith. The bail bond furnished by the surety is extended for a period of six months.
- 10.** Given under my hand & seal of this Court and delivered in the open Court on this 21st day of October, 2022.

Typed by Me:

(Manashi Neog)
Judicial Magistrate First Class, Sonitpur

APPENDIX

LIST OF WITNESSES

A. Prosecution:

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
PW-1	Nabami Boro	Informant

B. Defence Witness, if any: NONE

C. Court Witness, if any: NONE

LIST OF EXHIBITS

A. Prosecution Exhibits :

Sr. No.	Exhibit Number	Description
1	Exhibit P-1	Ejhar

B. Defence Exhibits: NONE

C. Court Exhibits: NONE

D. Material Exhibits: NONE

Manashi Neog
JMFC, Sonitpur