

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

PRESENT: MANASHI NEOG, JMFC, SONITPUR

(Date of Judgment: 14.11.2022)

**PR No. 1948/2019**

Under Section 294/506/34 of IPC

(FIR No.1485/19, registered u/s 294/506, IPC at Tezpur P.S.)

<b>Complainant:</b>	<b>State of Assam</b>
Represented By:	A.K. SAHANI
<b>Accused:</b>	<b>1. MANIKA SAIKIA (A1)</b> W/O Bipin Saikia <b>2. BIPIN SAIKIA (A2)</b> S/O Lt. Dandadhar Saikia Both are residents of Vill. Mazgaon, Kharati, Police Station-Tezpur, District-Sonitpur
Represented By:	S. KALITA

<b>Date of Offence</b>	<b>09.08.2019</b>
<b>Date of FIR</b>	<b>10.08.2019</b>
<b>Date of Charge sheet</b>	<b>31.08.2019</b>
<b>Date of Framing of Charges</b>	<b>13.05.2022</b>
<b>Date of commencement of evidence</b>	<b>14.11.2022</b>
<b>Date on which judgment is reserved</b>	<b>NA</b>
<b>Date of Judgment</b>	<b>14.11.2022</b>
<b>Date of the Sentencing Order, if any</b>	<b>NA</b>

### **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	Manika Saikia	-	-	Section 294/506/34 , IPC	Acquitted	NA	NA
A2	Bipin Saikia	-	-	Section 294/506/34 , IPC	Acquitted	NA	NA

## **JUDGMENT**

1. The informant, Jewel Chakraborty lodged an ejahar at Mahabhairab outpost alleging inter alia that the accused Manika Saikia identifying herself as a devotee of Goddess Kali had been creating nuisance since a long time by playing religious songs on loudspeakers day in and day out. Whenever anyone from the locality has tried to complain about that she had threatened to kill that person including his family members. On 09.08.2019, in the evening the accused Bipin Saikia came to the house of the informant, abused the informant with obscene words and language and threatened to kill him within a week.
2. The ejahar was registered as Tezpur P.S. Case No. 1485/2019 under sections 294/506, IPC. The police after investigation submitted charge sheet against the accused Manika Saikia and Bipin Saikia under the sections 294/506/34, IPC.
3. Cognizance was taken against the accused persons and summons was issued. On appearance of the accused persons, copies of the relevant documents were furnished to them as per section 207 CrPC. The particulars of offences under sections 294/506/34, IPC were read over and explained to them to which they pleaded not guilty and claimed to be tried.
4. The prosecution examined 1 (one) witness in support of its case. After closing of PW, the statements of the accused persons under section 313, CrPC were dispensed with it in absence of incriminating

materials against them. The defence declined to adduce any evidence.

5. Having heard both sides, I have framed the following points for determination to adjudicate this case.
  - a. Whether the accused persons on 09.08.2019 in the evening at the house of the informant in furtherance of their common intention abused the informant with obscene words and language thereby committed an offence punishable under section 294/34, IPC?
  - b. Whether the accused persons about the same date, time and place in furtherance of their common intention criminally intimidated the informant with injury to his person and thereby committed an offence punishable under section 506/34, IPC?
6. Depositing as PW-1, the informant, Jewel Chakraborty proved the ejahar as Ext. P-1 and his signature as Ext. P-1(i). PW-1 deposed that on the date of the incident the accused persons had said something to him which angered him and consequently he filed the ejahar against the accused persons out of pure anger. PW-1 has deposed that he has reconciled with the accused persons and does not want to prosecute them further. Thus, from the evidence of the prosecution witnesses, it appears that no incriminating material is available against the accused persons. Hence no offence has been made out against the accused persons under any section of law. The points of determination are thus decided in negative.

7. Accordingly, the accused persons, Manika Saikia and Bipin Saikia are acquitted of the offences under sections 294/506/34, IPC and set at liberty forthwith.

Their bail bonds are extended for a period of 6 (six) months.

Given in my hand and under the seal of this court on this the 14<sup>th</sup> day of November, 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	Jewel Chakraborty	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)

Judicial Magistrate First Class, Sonitpur