

PR CASE No- 1419/18

APPENDIX -12

IN THE COURT OF JUDICIAL MAGISTRATE FIRST CLASS

Present: Vishek Bhuyan, AJS, Judicial Magistrate First Class

(Date of the Judgment)

21.06.2022

(PR CASE No- 1419/18)

(Tezpur Police Station Case No- 838/18)

COMPLAINANT :	STATE OF ASSAM OR Geeta Borah W/o- Jiten Singh Address- New Water Supply, Agnigarh P.S- Tezpur Dist- Sonitpur, Assam
REPRESENTED BY	Mr Tapan Das, Ld. Addl. P.P
ACCUSED	Jiten Singh S/o-Late Akkel Singh Village-Water Supply, Agnigarh P.S- Tezpur Dist- Sonitpur, Assam
REPRESENTED BY	Ld. Counsel Sri Bipul Ch. Deka, Sri Kishore Deka

APPENDIX -13

Date of Offence	27.04.2018
Date of FIR.	27.04.2018
Date of Charge-sheet	30.06.2018
Date of Offence Explanation	20.03.2021
Date of commencement of evidence	18.06.2022
Date on which judgment is reserved	NIL
Date of the Judgment	21.06.2022
Date of the Sentencing Order, if any	NIL

ACCUSED DETAILS:

Rank of the 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	Jiten Singh	NIL	10.03.2021 (Court bail)	Under Section 447/323/294/506 IPC	Acquitted	NIL	NIL

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	Gita Borah	Informant

B. Defence Witnesses, if any :

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
DW1	NIL	NIL

C. Court Witnesses, if any :

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
CW1	NIL	NIL

LIST OF PROSECUTION/ DEFENCE/ COURT EXHIBITS

A. Prosecution:

SI. No	Exhibit Number	Description
1	Exhibit-P1	Ejaha
2	Exhibit-P1(1)	Signature of informant in the ejaha

B. Defence:

SI. No	Exhibit Number	Description
1	NIL	NIL

C. Court Exhibits:

SI. No	Exhibit Number	Description
1	NIL	NIL

D. Material Objects:

SI. No	Exhibit Number	Description
1	NIL	NIL

IN THE COURT OF JUDICIAL MAGISTRATE FIRST CLASS

TEZPUR, ASSAM

P.R CASE NO:1419/18

G.R CASE NO:1595/18

U/ Sec 447/294/323/506

of the Indian Penal Code

State of Assam

.....PROSECUTOR

-Vs.-

Sri Jiten Singh

S/o Lt Akkel Singh

Village- Water Supply Agnigarh

P.S-Tezpur, Dist- Sonitpur

.....ACCUSED

PRESENT: VISHEK BHUYAN, LL.M, AJS

JUDICIAL MAGISTRATE FIRST CLASS, TEZPUR

FOR PROSECUTION: LD. APP. Mr Tapan Das

FOR DEFENCE: Ld. Counsel Sri Bipul Ch. Deka, Sri Kishore Deka

EVIDENCE RECORDED: 18.06.2022

ARGUMENTS HEARD ON: 18.06.2022

JUDGEMENT DELIVERED ON: 21.06.2022

JUDGMENT

1. The accused person Sri Jiten Singh Das stood trial for offences punishable under Sections 447/294/323/506 of Indian Penal Code (hereinafter IPC).

Information and Investigation

2. The genesis of this case has its roots with the lodging of Ejahar by informant Smti Geeta Borah is that on 26.04.2018 the accused person in relation to a deed for mutual divorce verbally assaulted her with obscene words as well threatened her with her life. Hence this case.
3. The Ejahar was received and registered as Tezpur P.S Case no. 838/18 U/s 447/294/379/325/506/34 of IPC. The police after investigation submitted charge sheet against the accused person under section 447/294/323/506 of IPC.

Trial

4. Cognizance was taken of the Charge sheeted offences and processes were issued upon which the accused person appeared and copies of the relevant documents were furnished to him in compliance with section 207 of Code of Criminal Procedure (hereinafter referred as CrPC). The particulars of the offences were explained to the accused person, to which he pleaded not guilty and claimed to be tried.
5. In this case, the prosecution has examined the informant as PW-1. Considering testimony of the informant, the prosecution declined to further adduce evidence in this case. Hence, the evidence of prosecution side is closed. Examination of accused person u/s 313 CrPC dispensed with as the prosecution did not adduce any implicating evidence against him.
6. After hearing the learned Counsel of both sides and after perusal of the case record, I do hereby frame the following points of determination.

POINTS FOR DETERMINATION

- i. Whether the accused person on the 26.04.2018 entered into the property of the informant with an intent to criminally intimidate him and thereby committed an offence punishable U/s 447 of IPC?*
- ii. Whether the accused person on the same date and time committed obscene act by use of foul words to the annoyance of public and thereby committed an offence punishable under section 294 of the Indian Penal Code?*
- iii. Whether the accused person on the same date and time beat up the informant and caused injury and thereby committed an offence punishable U/s 323 of IPC?*
- iv. Whether the accused person at around the same time and place subjected the informant to criminal intimidation and thereby committed an offence punishable U/s 506 of IPC?*

PROSECUTION EVIDENCE

Evidence of the informant cum victim

7. **P.W 1 Gita Borah** states that the accused person is her husband and that she filed this case due to a misunderstanding and does not wish to proceed with the case. **In the cross examination** she states that she has no objection if the accused person is acquitted from the case.

DISCUSSIONS, DECISIONS AND REASONS THEREOF

8. Upon perusal of the evidence it is seen that the case the lodged in due to some misunderstanding but since then the matter has been settled among them amicably and the informant does not wish to proceed with the case. Further, the informant has no objection if the accused person is acquitted from this case.
9. As such the prosecution has failed prove that the accused person has committed the offences under sections 447/294/323/506 of IPC beyond reasonable doubt.

ORDER

In light of the above, it is held that the prosecution has failed to prove the case U/s 447/294/323/506 of IPC against the accused person Sri Jiten Singh beyond all reasonable doubt. Hence, he is hereby **acquitted** and set at liberty forthwith.

However, his bail bond shall remain in force for a period of next 6(six) months as provided by section 437A CrPC.

Given in my hand and under the seal of this court on this the 21st day of June, 2022.

Typed by Me:

(Mr Vishek Bhuyan)
Judicial Magistrate First Class
Sonitpur, Tezpur