

IN THE COURT OF SUB-DIVISIONAL JUDICIAL MAGISTRATE(S),  
MUSHALPUR, BAKSA.

PRESENT: ARUNIMA SONOWAL

Sub- Divisional Judicial Magistrate,(S) Mushalpur, Baksa

PRC no. 114/2018

U/s 294/323/506 of Indian Penal Code (IPC)

State

-vs

Sri. Md. Abed Ali

S/o. Md. Nazir Ali

Village- Bhogpur

P.S- Barama, Baksa (Assam).....accused person

Dates of evidence:- 18/01/2021

Date of Argument:- 18/01/2021

Date of judgment:- 18/01/2021

Advocates:

For the prosecution:- Smti. Richa Swargiary, A.P.P

For the accused person:- Advocate Dilumoni Begum

**JUDGMENT**

1. The case of the prosecution in brief as mentioned in the FIR lodged by the informant Md. Mustakin Ali is that on 13/07/2017 at about 3:30 p.m. he was having conversation with Rubul Ali, Munnaf Ali, Rahidul Ali in front of shop of Abdul Ali. Then accused person arrived there and without any reason assaulted informant on his back with a lathi. Accused person verbally abused informant and also threatened to assault him again in

future. Consequently, the informant lodged the ejahar in the Barama police station to this effect.

2. After receiving the Ejahar police registered a case and started investigation of the case. During investigation accused person was served notice to appear. After completion of the investigation the I/O has submitted charge sheet u/s. 294/323/506 of I.P.C. The accused person obtained bail and is remaining on bail.
3. At the time of his appearance, the accused person was supplied with the copies u/s 207 of I.P.C. Substance of offences u/s. 294/323/506 of I.P.C. was explained him to which he pleaded not guilty and claimed to be tried.
4. The prosecution side has examined as many as one (1) witness. Thereafter evidence of prosecution was closed by Id. A.P.P.
5. Examination of accused person u/s 313 Cr.P.C was dispensed with as no incriminating material was found against the accused person from the evidence of the witness.
6. I have heard the arguments advanced by the learned counsel for the accused person as well as the A.P.P for the State and also perused the case record carefully.
7. **POINTS FOR DETERMINATION IN THIS CASE:**
  - i. Whether the accused person on that day uttered obscene words in public place causing annoyance to the informant and thereby committed an offence u/s 294 of IPC or not?
  - ii. Whether the accused person voluntarily caused hurt to the informant and thereby committed an offence u/s 323 of IPC or not?
  - iii. Whether the accused person threatened the informant with injury to his person thereby causing alarm to him and thereby committed an offence u/s 506 of IPC or not?

**REASONS FOR THE DECISION:**

8. PW1, the informant of the case deposed that on that day he was having conversation with Rubul Ali, Munnaf Ali, Rahidul Ali in front of a shop. At

that time accused person arrived there. Accused person suspected that informant and his friends were gossiping about him and so due to this misunderstanding some verbal altercations arose between them. Exhibit-1 is his FIR and Exhibit-1(1) is his signature on it. Informant stated that this case is a result of some misunderstandings between him and the accused person.

9. From all these, it is seen that there is nothing on record which proves that accused person committed any of the alleged offences as charges levelled against him in the instant case. It is clear from the evidence of the victim (PW1) that the instant case is the result of some misunderstandings between the parties and nothing else.
10. Considering all these, I have found prosecution could not prove their case against the accused person u/s 294/323/506 of I.P.C. Therefore the accused person is not found guilty of the alleged offences u/s 294/323/506 of I.P.C. and he is entitled to acquittal.

#### **ORDER**

11. I have found the accused person not guilty of the offences u/s 294/323/506 of IPC as charges leveled against him and hence I acquit him from this case. He is released and set at liberty forthwith. Bail bond of the said accused person shall stand cancelled automatically after expiry of period of six months.
12. The case is disposed of on contest.
13. Given under my hand and seal of the court on this 18<sup>th</sup> day of January/2021.

ARUNIMA SONOWAL

SUB- DIVISIONAL JUDICIAL MAGISTRATE(S)

MUSHALPUR, BAKSA

A P P E N D I X

Prosecution Witnesses

1. PW-1: Md. Mustakin Ali
2. Exhibit-1: Ejahar
3. Exhibit-1(1): Signature of Md. Mustakin Ali

Defence Witnesses

Nil.

ARUNIMA SONOWAL

SUB- DIVISIONAL JUDICIAL MAGISTRATE(S)

MUSHALPUR, BAKSA