

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

PRESENT: ARUNIMA SONOWAL

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

PRC no. 164/2019

U/s 341/323/294 of Indian Penal Code (IPC)

State

-vs

Sri. Paniram Medhi

S/o. Lt. Jaggu Medhi

Village- Hatirtari

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

Dates of evidence:- 05/01/2021

Date of Argument:- 05/01/2021

Date of judgment:- 05/01/2021

Advocates:

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

For the accused person:- Advocate Sri. Gobinda Chandra Nath

JUDGMENT

1. The case of the prosecution in brief as mentioned in the FIR lodged by the informant Sri. Basanta Talukdar is that on 03/06/2017 when he was proceeding to the fields for grazing his cows, on the way accused person wrongfully obstructed him and assaulted him. Again on his returned way accused person tried to attack him. Consequently, the informant lodged the ejarah in the Mushalpur 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. 341/323/294 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. 341/323/294 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 wrongfully obstructed the informant on the way and thereby committed an offence u/s. 341 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 uttered obscene words in public place causing annoyance to the informant and thereby committed an offence u/s. 294 of IPC or not?

REASONS FOR THE DECISION:

8. PW1, the informant of the case deposed that on that day he went to graze his cows in the fields. On the way he met the accused person. On a small issue some verbal altercations arose between them. Out of some

misunderstandings he lodged this case against the accused person. Exhibit-1 is his FIR and Exhibit-1(1) is his signature on it.

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. 341/323/294 of I.P.C. Therefore the accused person is not found guilty of the alleged offences u/s. 341/323/294 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. 341/323/294 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 5th day of January/2021.

ARUNIMA SONOWAL

SUB- DIVISIONAL JUDICIAL MAGISTRATE(S)

MUSHALPUR, BAKSA

APPENDIX

Prosecution Witnesses

1. PW-1: Sri. Basanta Talukdar
2. Exhibit-1: Ejahar
3. Exhibit-1(1): Signature of Sri. Basanta Talukdar

Defence Witnesses

Nil.

ARUNIMA SONOWAL

SUB- DIVISIONAL JUDICIAL MAGISTRATE(S)

MUSHALPUR, BAKSA