

**IN THE COURT OF JUDICIAL MAGISTRATE FIRST CLASS, BAKSA**

**P.R.C. Case No. 155 of 2018**

.....  
Under Sections 323 and 506 of Indian Penal Code

State

Vs.

Sarat Nath and Satya Nath ..... Accused persons

.....  
Present: Pragyashree Chetia, AJS.

Judicial Magistrate First Class, Baksa

Evidence recorded on : 11.01.2021

Arguments heard on : 11.01.2021

Judgment delivered on : 1.02.2021

Appearing for the Prosecution: Sri. Kishore Basnet

Appearing for the Defence : Sri. Gobinda Chandra Nath  
.....

## **JUDGMENT**

1. The case of the prosecution in brief is that on 18.08.2012 the informant lodged an FIR in Suagpur Police Outpost wherein he alleged that on 15.08.2012 at about 9:30 A.M. the accused persons Satya Nath and Sarat Nath barged into his house and started abusing him in obscene language. The accused Sarat Nath then hit the informant on his hand and injured him. Also, the said accused hit the wife of the informant Suwala Rajbongshi on her mouth as a result of which some of her teeth broke.
2. The FIR was forwarded to Goreswar P.S. and on the basis of the FIR a case was registered as Goreswar P.S. Case Number- 83/12 under Sections 447, 294, 109, 325, 326, 354, 506 IPC. SI Naren Chandra Das, Suagpur Outpost was entrusted with the investigation of the case and after the completion of the investigation charge sheet was submitted by him against the accused person Sarat Nath and Satya Nath under Sections 325 and 354 IPC.
3. The accused persons appeared before this court and copies of relevant documents were furnished to them in accordance with Section 207 Cr.P.C. Upon consideration of relevant documents and hearing both parties, particulars of offences u/S 323 and 506 IPC were read over and explained to the accused persons Sarat Nath and Satya Nath to which they pleaded not guilty and claimed to be tried.
4. During trial, the prosecution examined 2(two) witnesses after which the prosecution evidence was closed. The statement of the accused person u/S 313 Cr.P.C was not recorded due to the lack of incriminating materials against the accused persons. Defence did not adduce any evidence.
5. Heard the arguments advanced by learned Assistant Public Prosecutor and learned defence counsel and perused the evidence on record.

### **POINTS FOR DETERMINATION**

6. Whether accused persons Sarat Nath and Satya Nath, voluntarily caused hurt to the informant and his wife on 15.08.2012 under Section 323 IPC?
7. Whether accused persons intimidated and threatened the informant and his wife with injury to their person on the same day under Section 506 IPC?

### **EVIDENCE ON RECORD**

8. The prosecution examined the informant as P.W.1. In his examination in chief, he deposed that he had lodged the case on some misunderstanding with the accused persons. He further deposed that he did not want to proceed with the case. In his cross examination he stated that he did not want to pursue the case any further.
9. The next prosecution witness, P.W.2 was the wife of the informant. She deposed that the accused persons are her family members. The case was lodged due to some misunderstandings and that she did not want to proceed with the case. In her cross examination also she reiterated the same thing.

### **DISCUSSION DECISION AND REASONS THEREOF**

10. I have carefully perused the evidence on record. It is seen that the testimonies of both the witnesses do not reveal any incriminating material against the accused persons. Instead, what they show is that the case was lodged on some misunderstandings between both the informant and the accused persons who happen to be the family members of both the witnesses.
11. This is a case under Section 323 and 506 IPC, where both the witnesses PW1 and PW2 who are the informant and victims, have stated that there had been some misunderstandings due to which the case was lodged. Both of them being the main witnesses did not support their own case. They did not mention of any offences

committed by the accused persons. Thus, upon consideration of the evidence on record, it is found that no injury was caused to the informant and his wife. Moreover, the informant and his wife were not subjected to any criminal intimidation by the accused persons. Thus, the accused persons are hereby not found guilty of offences under Section 323 and 506 IPC.

12. Hence, in the end it is found that the prosecution has failed to establish the guilt of the accused persons under Section 323 and 506 IPC beyond reasonable doubt.

### **ORDER**

13. in view of the above discussion it is held the prosecution has failed to prove the allegations against the accused persons Sarat Nath and Satya Nath under Sections 323 and 506 IPC beyond all reasonable doubt. As such the accused persons are acquitted of the offences under the above-mentioned sections and are set at liberty forthwith.

14. Their bail bond is extended for a period of six months as per Section 437A Cr.P.C.

15. Seized articles are to be disposed of as per law.

16. The judgment delivered and pronounced by me today in the open court given under my hand and seal of this Court on this 1<sup>st</sup> day of February, 2021.

The entire judgment is typed by me.

Ms. Pragyashree Chetia  
JMFC, Baksa, Mushalpur.

## **APPENDIX**

### **PROSECUTION WITNESSES:**

1. P.W-1: Bishnu Rajbongshi
2. P.W-2: Suwala Rajbongshi

### **DEFENCE WITNESSES:**

None

### **PROSECUTION EXHIBITS:**

None

### **DEFENCE EXHIBITS:**

None

### **MATERIAL EXHIBITS:**

None

Ms. Pragyashree Chetia  
JMFC, Baksa, Mushalpur