

**IN THE COURT OF THE CHIEF JUDICIAL MAGISTRATE**

**BAKSA: MUSHALPUR**

PRESENT: *A.M.Md. Mahiuddin. M.Sc.;LL.B.*  
*Chief Judicial Magistrate,*  
*Baksa, Mushalpur.*

**G.R.case no. 299/2018**

**u/s. 341/294/506, I.P.C.**

**State**

**Vs**

***Sarbeswar Basumatary***

**... Accused person.**

Date of offence explanation : 05-05-2017  
Date of recording evidence : 03-11-2018  
Date of hearing argument : 03-11-2018  
Date of delivery of the judgment: 03-11-2018

**APPEARANCE :**

*Sri. Dipmoni Boro.* (Addl.P.P.-For the State).

*Sri. Gobinda Natha.* (Advocate - For the Accused).

**J U D G M E N T**

1. The prosecution of the accused Sarbeswar Basumatary started on lodging of a written FIR, before the Officer-in-charge of Salbari police station on 15-09-2016, by Chenga Kherkatary alleging that, on 14-09-2016 around 6.00 pm, when the accused abused and threatened him at Lesera chowk, the informant

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also threatened him. When the informant was returning to his home, the accused attacked him with sharp weapons in front of the house of the accused. The informant fearing for his life ran towards his home crying. The accused is a criminal minded person and can go to any extent even can take his life.

2. The ejahar was initially filed before the Salbari police station where General Diary Entry No- dated 15-09-2016 was made. Accordingly, the case was registered as Salbari PS case No-92/2016, u/s-341/294/506, IPC. Police started to investigate the case. After completion of investigation, the Police submitted charge sheet No. 58/2016 dated 27/09/2016 against accused ***Sarbeswar Basumatary, u/s 341/294/506, IPC.***
3. After receiving the case for disposal, learned predecessor in chair took cognizance against the accused, issued summons against him and after his appearance and release on bail, he was supplied with the copies of the case u/s 207, Cr.P.C. As a prima-facie material u/s 341/294/506, I.P.C. was found against the accused person; the particulars of the offence were explained. On being asked, the accused person pleaded not guilty and claimed to stand trial. The plea of the accused was total denial.

**POINT FOR DETERMINATION**

***Whether the accused person, abused the informant with filthy languages, voluntarily caused hurt on him and criminally intimidated him, as alleged in the FIR?***

4. During the trial, the prosecution has examined the informant/victim and on the basis of his evidence, the prosecution closed its further evidence. Thereafter, the accused person is examined u/s 313, Cr.P.C. and his statements are recorded. The accused declined to adduce evidence.

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Accordingly, arguments from both sides are heard.

**DISCUSSION, DECISION AND THE REASONS THERE OF**

5. After going through the evidence on record of the informant / PW-1 Chenga Kherkatary, I find that, the case was lodged at the instigation of the villagers. The witness specifically deposed that, the accused never abused him verbally or physically or even intimidated him. Accordingly, I find that, there is no incriminating material against the accused **Sarbeswar Basumatary** for warranting a conviction against him. Accordingly, I conclude that, the prosecution has miserably failed to substantiate its case and as such, the accused **Sarbeswar Basumatary** is found not guilty and hence acquitted of the offence u/s 341/294/506, IPC.
6. The accused is set at liberty forthwith. The bail bond will remain in force for next 6(six) months or till furnishing of fresh surety by the accused person u/s 437(A), CrPC, whichever is earlier.

*This judgment is pronounced in the open Court, which is given under my hand and seal of the Court, on this **03<sup>rd</sup> day of November, 2018.***

**(A.M.Md. Mahiuddin.)  
Chief Judicial Magistrate,  
Baksa, Mushalpur.**

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A.M.Md.Mahiuddin  
Chief Judicial Magistrate,  
Baksa: Mushalpur.