

**IN THE COURT OF THE CHIEF JUDICIAL MAGISTRATE,  
LAKHIMPUR, NORTH LAKHIMPUR, ASSAM**

Present: Sri Akhtabul Ala, AJS,  
Chief Judicial Magistrate,  
Lakhimpur, North Lakhimpur, Assam

**G.R. 1271/2015**

Under section 447/427/323/506/34 of the of the Indian Penal Code

**State of Assam**

**-Vs-**

- 1. Sri Rupeswar Deuri**
- 2. Sri Dulu Deuri**
- 3. Sri Abanya Deuri**

.....Accused persons

Date of offence explanation : 04.04.2016  
Dates of recording evidence of PWs : 31.12.2016, 19.08.2017  
06.07.2018, 06.08.2019,  
11.11.2019, 04.03.2020  
Date of examination u/s 313, Cr.P.C. : 04.03.2020  
Date of Argument : 04.03.2020  
Date of judgment : **04.03.2020**

**Advocates appeared in the case:-**

Sri Prasanta Dutta, Addl. P.P., for the State  
Sri Debananda Deuri, Advocate, for the accused

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

1. The factual matrix of the prosecution case is that one Sri Manajjyoti Deuri on 04.07.2015 had lodged an ejahar in the Silonibari Police Outpost alleging that on 03.07.2015 the accused persons i.e. Sri Rupeswar Deuri, Sri Dulu Deuri, Sri Abanya Deuri and another forming

an unlawful assembly had entered his land with sharp weapons in their hands and started cutting the trees and as he asked them not to cut the trees they all had assaulted him with iron rods and injured him. Hence, the case.

2. On receipt of the ejahar, the same was sent to the North Lakhimpur Police Station where it was registered as NLPS Case No. 666/2015 under section 447/427/325/506/34, IPC. The investigating officer, after completing the investigation, submitted charge-sheet under section 447/427/323/506/34, IPC against the accused persons viz. Sri Rupeswar Deuri, Sri Dulu Deuri and Sri Abanya Deuri to stand trial in the Court.

3. On receipt of the charge-sheet, cognizance of the offence under section 447/427/323/506/34, IPC was taken as per section 190(1)(b) of the Code of Criminal Procedure. The accused entered his appearance before the Court after receiving the summons. Copies were furnished to the accused as per provision contained in section 207 of the Code of Criminal Procedure. The particulars of offence under section 447/427/323/506/34, IPC when being read over and explained to the accused he pleaded not guilty and claimed to be tried.

**POINTS FOR DETERMINATION:**

4. The points which are required to be determined for a just decision of this case are as follows:

(a) Whether the accused persons with common intention had trespassed into the land of the informant ?

(b) Whether the accused persons with common intention had cut the tress in the land of the informant worth more than Rs. 50/- ?

(c) Whether the accused persons with common intention had voluntarily caused hurt to the informant ?

(d) Whether the accused persons with common intention had criminally intimidated the informant ?

5. During the trial the prosecution side examined 5 (five) PWs viz. Sri Manabjyoti Deuri alias Mumun as PW-1, Smti Amal Prova Deuri as PW-2, Smti. Anjuma Deuri as PW-3, Dr. Mirjak Al Mamud, the M/O as PW-4 and the I/O Inspector Nikhil Rajkhowa as PW-6. The prosecution had exhibited the ejahar as Ext-1 and the signature of the informant therein as Ext-1(1), the injury report as Ext-2 and the signature of the M/O as Ext-2(1), the G.D. Entry extract Copy as Ext-3, the rough sketch map of the P.O as Ext-4 and the signature of the I/O as Ext-4(1) and the charge sheet as Ext-5 and the signature of the I/O as Ext-5(1).

6. The statement under section 313 of the Code of Criminal Procedure of the accused persons were recorded and they declined to adduce evidence in defence.

7. I have heard the argument of both sides and thereupon come to the following finding:

**DISCUSSION, DECISION AND REASONS THEREOF:**

8. For the sake of convenience all the points for determination are taken up together for discussion.

9. The PW-1 Sri Manabjyoti Deuri alias Munmun, the informant and the victim, testified in his evidence that on the date of incident i.e. 03.08.2015 at about 3:30 PM he was returning from town to his home to take meal and when he reached home he could hear the sound of felling trees for which he opened the window in the backside of their house and he could see that the accused Rupeswar Deuri had directed his nephew named Engineer to cut a tree and according the said person was cutting the said tree and for that he along with mother had asked them why they were cutting their trees and at that the person named Engineer had verbally abused his mother and both accused Rupeswar Deuri and said persons i.e. Engineer had verbal altercation with him and also threatened him.

10. Now PW-1, the informant and the victim, in his cross-examination admitted that the accused persons had also lodged a case against him and he in his further cross-examination stated that on the date of incident there was in fact only a verbal altercation between him and the accused persons over the matter of felling trees and this case is in fact arose only out of some misunderstanding and he has no objection if the accused persons are acquitted.

11. So from the cross-examination of the PW-1, the informant and victim of this case, it transpires that he has disowned the prosecution case and has in fact absolved the accused persons by stating that there was nothing but a mere verbal altercation between them.

12. So, in the given position when the informant and the victim himself has absolved the accused persons as discussed above, and the prosecution story is found to be doubtful and as such it can no way be concluded that the accused persons with common intention had committed criminal trespass by entering into the premises of the informant or had committed mischief by felling the trees standing over

the land of the informant or voluntarily caused hurt to the informant or to criminally intimidated anyone.

13. So consequently all the aforesaid points for determination are held in negative.

14. The prosecution has failed to prove the case against the accused under section 447/427/323/506/34, IPC and as such he is acquitted from the said offences and is set at liberty.

Bail bonds are extended to further 6 (six) months from today.

The judgment is delivered and operative part of the same is pronounced in the open court on this 4<sup>th</sup> day of March, 2020.

**(Sri Akhtabul Ala)**  
Chief Judicial Magistrate,  
Lakhimpur, North Lakhimpur

Dictated & corrected by me-

**(Sri Akhtabul Ala)**  
Chief Judicial Magistrate,  
Lakhimpur, North Lakhimpur

Transcribed & typed by-  
Sri Narayan Chetri, Stenographer

Contd. .... Appendix

**A P P E N D I X****WITNESSES FROM THE PROSECUTION SIDE**

Sri Manabjyoti Deuri alias Munmun (PW-1)

Smti. Amal Prova Deuri (PW-2)

Smti. Anjuma Deuri (PW-3)

Dr. Mirjal Ali Mamud, the M/O (PW-4)

Inspector Nikhil Rajkhowa, the I/O (PW-5)

**PROSECUTION EXHIBITS**

Ejahaar (Ext-1)

Signature of PW-1 [Ext-1(1)]

Injury report (Ext-2)

Signature of the M/O [Ext-2(1)]

Extract Copy of G.D. Entry (Ext-3)

Rough sketch map of the P.O (Ext-4)

Signature of the I/O [Ext-4(1)]

Charge-sheet (Ext-5)

Signature of the I/O [Ext-5(1)]

**WITNESSES FROM THE DEFENCE SIDE**

Nil

**DEFENCE EXHIBITS**

Nil

**(Sri Akhtabul Ala)**  
Chief Judicial Magistrate,  
Lakhimpur, North Lakhimpur