

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

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

**G.R. 2693/2017**

Under section 294/506/34 of the Indian Penal Code

**State of Assam**

**-Vs-**

**1. Smt. Minada Guwala**

**2. Sri Dip Guwala**

.....Accused persons

Date of offence explanation : 20.11.2019  
Date of recording evidence of PWs : 13.03.2020.  
Date of argument : 13.03.2020  
Date of judgment : **13.03.2020**

**Advocates appeared in the case:-**

Mr. Prasanta Dutta, Addl. P.P., for the State

Mrs. Mridusmita B. Saikia, Advocate, for the accused persons

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

1. This case has arisen from an ejahar lodged on 11.10.2016 by informant Sri Chandan Payeng before the Officer-in-Charge of North Lakhimpur Police Outpost. It is alleged in the ejahar that on 11.09.2017, at night, the accused persons Smt. Minu Guwala and Sri Dip Guwala named in the FIR went to the house of the informant and rebuked him along with his family members by uttering obscene languages as well as also criminally intimidated them to inflict cut injury by holding a "dao". Hence, the case.

2. After receiving the ejahar, the Officer-in-charge of North Lakhimpur Police Station, registered a case vide North Lakhimpur P.S. Case No. 1162/2017 under section 294/506/34 of the Indian Penal Code

and got the investigation into the case commenced. The investigating officer, after completing the investigation, submitted the charge-sheet under section 294/506/34 of the Indian Penal Code against the accused persons Smt. Minu Guwala and Sri Dip Guwala to stand trial in the Court.

3. On receipt of the charge-sheet, cognizance of the offence under section 294/506/34 of the Indian Penal Code was taken as per section 190(1)(b) of the Code of Criminal Procedure. The accused persons entered their appearance before this Court after receiving the summons. Copies were furnished to the accused persons as per provision contained in section 207 of the Code of Criminal Procedure. The particulars of the offence u/s 294/506/34, IPC were explained to the accused persons to which they 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, on 11.09.2017, at night, at village Nalkata under North Lakhimpur Police Station, in furtherance of their common intention, uttered slang words to Sri Chandan Payeng in or near any public place, and thereby committed an offence punishable under section 294/34 of the Indian Penal Code?

(b) Whether the accused persons, on 11.09.2017, at night, at village Nalkata under North Lakhimpur Police Station, in furtherance of their common intention, committed criminal intimidation to Sri Chandan Payeng by threatening to assault him by holding a "dao", and thereby committed an offence punishable under section 506/34 of the Indian Penal Code?

5. During the trial, the prosecution examined 01 (one) witness, namely Sri Chandan Payeng as PW-1 (informant-cum-victim). In the

instant case, the informant-cum-victim has been examined but he has not stated any incriminating materials against accused persons, as such, learned Addl. P.P. prayed for closure of the prosecution evidence. Considering the materials in evidence, the prayer of the prosecution was allowed and the prosecution evidence was closed. The examination under section 313 of the Code of Criminal Procedure of the accused persons was dispensed with as no incriminating circumstance appeared against them in the evidence adduced in this case. Defence side declined to adduce DW evidence. Both the sides advanced their respective arguments in this case.

**DISCUSSION, DECISION AND REASONS THEREFOR:**

6. At the very outset it is essential to have a brief resume of the version of the witness in order to marshal the evidence in right perspective in tandem with the points for discussion.

7. PW-1 Sri Chandan Payeng, informant-cum-victim, has exhibited Ext-1 as the ejahar, Ext-1(1) as his signature therein. He has stated that the incident occurred in the year 2017 at night. On the night of the incident the accused persons had shouted inside their house and he was thinking that the accused persons might have got drunk and shouted. He got annoyed and had lodged an ejahar against the accused persons. However the matter was amicably settled between them as the accused persons assured that they will not make noise in future. In his cross-examination, he has stated that he has no objection if the accused persons are acquitted as this case arose only out of a misunderstanding.

8. Thus, it is quite apparent from the evidence on record that PW-1 the informant and victim of this case has not at all implicated the accused persons and he has not even stated anything about the occurrence as alleged by the prosecution. As per his version, he has thought that the accused persons had got drunk and shouted inside their house and as such, he got annoyed and lodged this case. But later the matter was amicably settled between them as the accused

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persons assured that they will not make noise in future. That apart, nothing else had happened. He clarified in his cross-examination that he has no objection if the accused persons are acquitted as this case arose only out of a misunderstanding. Thus, there is not an iota of evidence to suggest that the accused persons uttered slang words to the informant or caused criminal intimidation to informant by threatening to assault him by holding a “dao” as alleged.

9. So, in the given position from the evidence on record it can no way be held that on the day of the incident i.e on 11.09.2017 at night, accused persons uttered slang words to Sri Chandan Payeng (PW1) and committed criminal intimidation by threatening to assault PW1 (informant) by holding a “dao”. Hence, the aforesaid points of determination are held in negative.

10. In the result, the prosecution has failed to prove the charge against the accused persons under section 294/506/34 of the Indian Penal Code and as such they are acquitted from the said offence and are set at liberty.

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

The judgment is delivered and operative part of the same is pronounced in the open court on this 13<sup>th</sup> day of March, 2020.

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

Dictated & corrected by me-

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

Transcribed & typed by-  
Sri Debashis Bhuyan, Stenographer

Contd. .... Appendix

**A P P E N D I X**

**WITNESSES FROM THE PROSECUTION SIDE**

Sri Chandan Payeng (PW-1)

**PROSECUTION EXHIBITS**

Nil

**WITNESSES FROM THE DEFENCE SIDE**

Nil

**DEFENCE EXHIBITS**

Nil

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