

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

Present: Shri Narayan Kuri, AJS,  
Chief Judicial Magistrate,  
Lakhimpur, North Lakhimpur, Assam

**G.R. 1951/2016**  
U/s 294/352 IPC

**State of Assam**

**-Vs-**

**Sri Liladhar Kurmi**

S/O: Sri Puna Kurmi

R/O: Dushutumukh

P/S: Narayanpur

District: Lakhimpur, Assam

..... Accused person

Date of offence explanation : 16.02.2019  
Date of recording evidence of PW : 01.03.2019  
Date of argument : 03.04.2019  
Date of judgment : **03.04.2019**

**Advocates appeared in the case:-**

Smti. Ajanta Sharma, Addl. P.P., for the State

Sri Suren Borah, Advocate, for the accused person

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

1. This case has arisen from an ejahar lodged on 02.08.2016 by informant Smti. Tusa Kurmi before the Officer-in-charge, Narayanpur Police Station. It is alleged in the ejahar that at about 9:00 PM on 31.07.2016 accused Sri Liladhar Kurmi, who is her husband, without any reason hurled slang words to her and also assaulted her with bamboo stick causing grievous injuries on different parts of her body. Hence, the case.

2. On receipt of the ejahar, the Officer-in-charge of Narayanpur Police Station registered a case being Narayanpur Police Station Case No. 136/2016 u/s 294/325 IPC and got the investigation into the case

commenced. The investigating officer, after completing the investigation, submitted charge-sheet u/s 294/352 IPC against accused person Sri Liladhar Kurmi to stand trial in the Court.

3. On receipt of the charge-sheet, cognizance of the offence u/s 294/352 IPC was taken as per section 190(1)(b), Cr.P.C. Necessary copies were furnished to the accused person as per section 207, Cr.P.C. after his appearance before the Court. The particulars of the offences u/s 294/352 IPC were read over and explained to the accused person to which 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 person, at about 9:00 PM, on 31.07.2016, at village Dushutimukh, under Narayanpur Police Station, hurled slang words to Smti. Tusa Kurmi at and around the public place, and thereby committed an offence punishable u/s 294, IPC ?

(b) Whether the accused person, at about 9:00 PM, on 31.07.2016, at village Dushutimukh, under Narayanpur Police Station, assaulted or used criminal force on Smti. Tusa Kurmi, and thereby committed an offence punishable u/s 352,IPC?

5. During the trial, the prosecution side has examined only one witness, namely, Smti. Tusa Kurmi (informant-cum-victim) as PW-1. Learned Addl. P.P. after taking the evidence of one witness has prayed for closure of the prosecution witness on ground that that material witness have not supported its case. The prayer of the prosecution was allowed considering the fact that there was no reasonable likelihood of improvement in the prosecution case and as such the prosecution evidence was closed. Considering absence of any incriminating material against accused, recording of his statement u/s 313, Cr.P.C was dispensed with. The defence side has declined to adduce evidence.

6. I have heard the Argument of both sides and thereupon come to the following finding:

**Discussion, decision and reasons therefor**

7. At the very outset it is essential to have a brief resume of the version of the witness i.e. informant-cum-victim in order to marshal the evidence in right perspective in tandem with the points for discussion.

8. PW-1 Smti. Tusa Kurmi, informant-cum-victim, stated that the informant is her husband. On the day of the occurrence an altercation took place between her and the accused arising out of some domestic matter. As such type of altercation usually took place between her and the accused and as such on being incited by the neighbours she lodged an ejahar at the police station against her husband i.e. the accused. In her cross-examination, she has stated that she lodged the case against the accused out of misunderstanding. Her husband, the accused had neither hurled any slang words nor assaulted her. Only an altercation took place between them. She does not have any objection if the accused is acquitted from this case.

9. What comes out from the evidence adduced on record is that the informant-cum-victim has not supported her own case. She has clearly stated in the evidence that owing to some domestic issue only an altercation took place between her and her husband as the accused used to altercate with her of and on and as such on being incited by her neighbours she lodged an ejahar against her husband. She has categorically stated in her cross-examination, that at present she is living in good terms with her husband and she lodged the ejahar out of misunderstanding. She has further stated in her cross-examination that the accused did not assault her and also did not utter any slang words to her and that only an altercation took place between her and the accused and as such she has got no objection if the accused i.e. her husband is released from this case. So, it is apparently clear that except altercation nothing had happened between the informant and the accused. Hence, there is no iota of evidence in this case to the

effect that the accused hurled slang words to the informant at and around public place or assaulted or used criminal force on her as alleged.

10. In view of the above discussion, I have no hesitation in holding that the prosecution has miserably failed to bring home the accusations u/s 294/352, IPC against the accused person. As such, the points for determination are decided against the prosecution and the accused person Sri Liladhar Kurmi is acquitted of the said accusations. Consequently, the accused person is set at liberty forthwith. The bail-bond of the accused person stands cancelled and surety stands discharged.

11. Given under my hand and the seal of this Court on this the 3<sup>rd</sup> day of April, 2019.

**(Shri Narayan Kuri)**  
Chief Judicial Magistrate,  
Lakhimpur, North Lakhimpur

Dictated and Corrected by me:

**(Shri Narayan Kuri)**  
Chief Judicial Magistrate,  
Lakhimpur, North Lakhimpur

Transcribed and typed by me:  
Narayan Chetri, Stenographer

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

**WITNESSES FROM THE PROSECUTION SIDE**

Smti. Tusa Kurmi (PW-1)

**PROSECUTION EXHIBIT**

Nil

**WITNESSES FROM THE DEFENCE SIDE**

Nil

**DEFENCE EXHIBIT**

Nil

**(Shri Narayan Kuri)**  
Chief Judicial Magistrate,  
Lakhimpur, North Lakhimpur