

**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. 1045/2018

Under section 294/323/34 of the Indian Penal Code

State of Assam

-Vs-

**Sri Achyut Saikia
Smti. Seema Saikia**

.....Accused persons

Date of offence explanation : 19.10.2019
Date of recording evidence of PW : 09.03.2021
Statement u/s 313, Cr.P.C recorded on : 09.03.2021
Date of argument : 09.03.2021
Date of judgment : **09.03.2021**

Advocates appeared in the case:-

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

Sri Babul Pegu, Advocate, for the accused persons

J U D G M E N T

1. The brief matrix of the prosecution case is that one Smti. Pratima Saikia on 06.05.2018 had lodged an ejahar before the Officer-in-charge, North Lakhimpur Police Station alleging inter alia that on that day at about 10:00 AM both the accused persons viz. Sri Achyut Saikia and Smti. Seema Saikia abused her by uttering filthy language. Thereafter the accused Sri Achyut Saikia gave a blow on her left hand with a knife causing injury to her and then the accused Smti. Seema Saikia assaulted her with bamboo stick causing injuries on different parts of her body. Hence, the case.

2. The Officer-in-charge of North Lakhimpur Police Station, on receipt of the ejahar, registered a case vide N.L.P.S Case No. 467/2018 under section 294/324/325/34 of the Indian Penal Code and got the investigation into the case commenced. The investigating officer, after completing the investigation, submitted charge-sheet under section 294/323/34 of the Indian Penal Code against accused persons viz. Sri Achyut Saikia and Smti. Seema Saikia to stand trial in the Court.

3. On receipt of the charge-sheet, cognizance of the offence under section 294/323/34 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 the 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 offences under section 294/323/34 of the Indian Penal Code 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:

(b) Whether the accused persons with common intention had hurled verbal abuses with filthy language to the informant in public to cause annoyance to them?

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

5. During the trial the prosecution side examined only one witness viz. Smti. Pratima Saikia as PW-1. The prosecution had exhibited the ejahar as Ext-1 and the signature of the informant therein as Ext-1(1).

6. After the closure of the prosecution evidence, the statement under section 313 of the Code of Criminal Procedure of the accused

persons was recorded. The defence plea is of total denial and the defence side declined to adduce evidence in defence.

7. Both the sides advanced their respective argument in this case.

DISCUSSION, DECISION AND REASONS THEREOF:

8. Now in order to decide the aforesaid points of determination let us go through the evidence of PW-1

9. PW-1 Smti. Pratima Saikia deposed that she is the informant of this case and that the accused Sri Achyut Saikia is her husband and the accused Smti. Seema Saikia is the second wife of her husband. The incident occurred about two years back at about 11:00 AM in front of the courtyard of her house. She at that time was in her house. At the time of the occurrence there was a verbal altercation between her and the accused persons over some family matters. As she rushed out to avoid the verbal altercation she fell down and sustained slight injury and later out of a misunderstanding she lodged this ejahar against the accused persons. In her cross-examination, she has categorically stated that she has no objection if the accused persons are acquitted as this case arose only out of a misunderstanding.

10. So from the evidence of PW-1, the informant cum victim, it transpires that the only thing that had happened between the informant and the accused persons was a mere verbal altercation and as she rushed to avoid the verbal altercation she fell down and sustained slight injury. This case in fact arose only out of a misunderstanding.

11. So no such offence as that of the accused persons with common intention hurling verbal abuses at informant with filthy language in public to cause annoyance to her or that of the accused persons with common intention voluntarily causing hurt to the informant is made out.

12. Hence in the given position no offence is made out against the accused persons and consequently both the aforesaid points of determination are held in negative.

13. The prosecution as such has failed to prove the case against the accused persons under section 294/323/34 of the Indian Penal Code and as such they are acquitted from the said offences and are set at liberty.

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 9th day of March, 2021.

(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 Narayan Chetri, Stenographer

Contd. Appendix

A P P E N D I X

WITNESSES FROM THE PROSECUTION SIDE

Smti. Pratima Saikia (PW-1)

PROSECUTION EXHIBIT

Ejhar (Ext-1)

Signature of the informant [Ext-1(1)]

WITNESSES FROM THE DEFENCE SIDE

Nil

DEFENCE EXHIBIT

Nil

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