

IN THE COURT OF JUDICIAL MAGISTRATE FIRST CLASS

North Lakhimpur, Lakhimpur

PRESENT: Ms. Sparsita Garg, M.A, LL.M, AJS

Judicial Magistrate First Class,

Lakhimpur, North Lakhimpur

G.R. Case No.635/2019

State

Versus

Sebiyan Dhanowar

(Under sections 294/500/323 IPC)

Offence explained on	: 17.10.2019
Evidence recorded on	: 17.12.2019, 17.04.2021
Statements recorded on	: Dispensed with
Arguments heard on	: 17.04.2021
Judgment delivered on	: 17.04.2021
Advocate for the Prosecution	: Mr. Jangki Doley
Advocate for the Accused	: Mr. Gopalji Sahu

J U D G E M E N T

- 1.** Accused stood for trial for commission of offence u/s 294/500/323 IPC.
- 2.** The prosecution case is initiated on the basis of written ejahar dated 19.03.2019 stating *inter alia* that on that day after completion of the reading of Bible at Kakoi Rajgarh Catholic

Church, the accused organized a meeting. In the said meeting the accused insulted the informant and thereafter gave him blows. The informant broke his spectacles and received bleeding injuries on his eyes. Hence, this case.

3. On receipt of the ejahar, the In-charge of Lilabari police outpost forwarded this to the Officer-in-Charge of North Lakhimpur Police Station and thereafter the Officer-in-Charge North Lakhimpur Police Station registered the case as North Lakhimpur P.S. case no. 237/2019 u/s 294/323/427/34 IPC. Thereafter Investigating Officer launched investigation of the case and submitted chargesheet u/s 294/323/506 of the Indian Penal Code against the accused namely Sebiyan Dhanowar.

4. Thereafter, cognizance has been taken and summons have been issued to the accused. On appearance of accused, necessary documents required u/s 207 Cr.P.C have been furnished to him. On perusal of the materials on record substance of accusation u/s 294/500/323 IPC is read over and explained to the accused to which he pleaded not guilty and claimed to be tried.

5. Prosecution in support of its case has examined only two (2) witnesses.

6. Examination of accused u/s 313 Cr.P.C. is dispensed with since no incriminating materials are found against him. Accused denied adducing evidence in defence.

7. I have heard the arguments advanced by the learned counsel for the accused and Ld. A.P.P. Perused the materials available in the case record. Upon hearing both the parties and on perusal of the record, following points for determination are formulated for proper adjudication of this case.

POINTS FOR DETERMINATION:

Point No 1: Whether the accused on 17.03.2019 at about 12:00 p.m., uttered abusive words and languages to the annoyance of

the informant and others in a public place and thereby committed an offence punishable u/s 294 of IPC?

Point No 2: Whether the accused on the same date, time and place, voluntarily caused hurt to the informant and thereby committed an offence punishable u/s 323 of IPC?

Point No 3: Whether the accused on the same date, time and place, tried to defame the informant during the meeting held in the Church premises and thereby committed an offence punishable u/s 500 of IPC?

DISCUSSIONS, DECISIONS AND REASONS THEREOF:

8. Now let me try to decide the above points by appreciating the evidence available in the case record. I have carefully considered the evidence available in the instant case. **P.W-1/informant Simon Sanga**, it reveals that the informant is no more interested to proceed with the case against the accused on the ground that the matter is amicably settled between them. It also reveals that the informant himself has refused to lead evidence against the accused in support of the ejarah lodged in this case by him. **P.W-2 Antoni Baghwar** also corroborated the evidence of P.W-1 and stated that due to misunderstanding the informant lodged this case against the accused. Thus, from the little evidence that has been brought before this court in the form of statement made by the informant/P.W-1 and P.W-2, it is seen that no offence has been made out against the accused under any section of law. Situated thus, it is found that the informant has failed to implicate the accused of any offence.

ORDER

9. In view of the above discussions, I am of the considered opinion that, prosecution has failed to establish the case against accused namely Sebiyan Dhanowar. Accordingly, accused is acquitted of

the charge u/s 294/500/323 IPC levelled against him in this instant case.

10. Set the accused at liberty forthwith.

11. The bail bond for the accused is extended for a further period of six (6) months.

12. The case is disposed of on contest accordingly.

Given under my hand and seal on this 17th day of April, 2021 at North Lakhimpur, Lakhimpur.

(Ms. Sparsita Garg)
Judicial Magistrate First Class
Lakhimpur, North Lakhimpur

APPENDIX

A. WITNESS OF PROSECUTION:

1. P.W.1 : Simon Sanga
2. P.W-2 : Antoni Baghwar

B. EXHIBITS OF PROSECUTION:

1. Exhibit 1 : Ejahar
2. Exhibit 1(1): Signature of the informant

C. WITNESS OF DEFENCE: NIL

D. EXHIBITS OF DEFENCE: NIL

(Ms. Sparsita Garg)
Judicial Magistrate First Class
Lakhimpur, North Lakhimpur