

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

C.R.(S) Case No.15/2019

Bhaben Boruah

Versus

Jagannath Buragohain and others

(Under sections 500/506/34 IPC)

Offence explained on : 06.12.2019
Evidence recorded on : 19.03.2021
Statements recorded on : Dispensed with
Arguments heard on : 19.03.2021
Judgment delivered on : 19.03.2021
Advocate for the Prosecution : Mr. Prashanta Buragohain
Advocate for the Accused : Mrs. Babli Buragohain

J U D G E M E N T

1. Accused persons stood for trial for commission of offence u/s 500/506/34 IPC.

2. The complainant Bhaben Boruah lodged a complaint case against the accused persons alleging *inter alia* that accused Jagannath Buragohain and Rina Buragohain armed with dao chased to kill their daughter in law Mamoni Buragohain. On raising hue and cry the complainant ran to

the house of the accused persons and tried to amicably settled the dispute between them. The accused persons defamed the complainant by raising false allegations with Mamoni Buragohain. The accused persons hurled abusive languages to the complainant and thereafter he left from the place of occurrence. The complainant further submits that the accused Jagannath Buragohain took Rs.4,000/- from the complainant and on being asked to return back, he refused to give back the money. For this reason the accused persons maligned the image of the complainant by making false allegations that he has an illicit relationship with Mamoni Buragohain. On 17.03.2019 the accused persons armed with sharp weapons restrained the complainant and chased to assault him. Somehow the complainant saved his life but the accused persons threatened to kill him. Hence, this case.

3. After the registration of the complaint case, the statement of the complainant was recorded under section 200 of the Code of Criminal Procedure. The statement of the witnesses were recorded under section 202 of the Code of Criminal Procedure. After perusal of the complaint petition, statement of the witnesses and after finding sufficient materials, cognizance under section 500/506/34 of the Indian Penal Code was taken against the accused persons. Thereafter particulars of offence under section 500/506/34 of the Indian Penal Code was read over and explained to the accused persons to which they pleaded not guilty and claimed to be tried.

4. Prosecution in support of its case has examined only one (1) witness.

5. The statement defence of the accused persons u/s 313 of the Code of Criminal Procedure is dispensed with as no incriminating materials were found against them. Accused persons denied to adduce evidence in their support.

6. I have heard the arguments advanced by the learned counsel for the complainant as well as the accused persons. 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 persons in furtherance of common intention defamed the complainant of having an illegal relationship with Mamoni Buragohain and thereby committed an offence punishable u/s 500/34 of IPC?

Point No 2: Whether the accused persons in furtherance of common intention committed criminal intimidation by threatening the complainant with an injury to his person and with the intent to cause alarm to the complainant and thereby committed an offence punishable u/s 506/34 of IPC?

DISCUSSIONS, DECISIONS AND REASONS THEREOF:

7. 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. From the evidence of **P.W-1/complainant**, it reveals that the complainant is no more interested to proceed with the case against the accused persons on the ground that the matter is amicably settled between them. It also reveals that the complainant himself has refused to lead evidence against the accused persons in support of the ejarah lodged in this case by him. Thus, from the little evidence that has been brought before this court in the form of statement made by the complainant/P.W-1, it is seen that no offence has been made out against the accused persons under any section of law. Situated thus, it is found that the complainant has failed to implicate the accused persons of any offence.

ORDER

8. In view of the above discussions, I am of the considered opinion that, prosecution has failed to establish the case against accused persons namely Jagannath Buragohain, Rina Buragohain and Abhijit Buragohain. Accordingly, accused persons are acquitted of the charge u/s 500/506/34 IPC levelled against them in this instant case.

9. Set the accused persons at liberty forthwith.

10. The bail bonds for the accused persons are extended for a further period of six (6) months.

11. The case is disposed of on contest accordingly.

Given under my hand and seal on this 19th day of March, 2021 at North Lakhimpur, Lakhimpur.

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

APPENDIX

A. WITNESS OF PROSECUTION:

1. **P.W-1** : Bhaben Boruah

B. EXHIBITS OF PROSECUTION: NIL

C. WITNESS OF DEFENSE: NIL

D. EXHIBITS OF DEFENSE: NIL

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