

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

P.R. Case No.65/2019

State

Versus

Pankaj Bora and others

(Under sections 294/506/34 IPC)

Offence explained on : 05.07.2019
Evidence recorded on : 05.03.2021
Statements recorded on : Dispensed with
Arguments heard on : 05.03.2021
Judgment delivered on : 05.03.2021
Advocate for the Prosecution : Mr. Jangki Doley
Advocate for the Accused : Mr. Pankaj Saikia

J U D G E M E N T

1. Accused persons stood for trial for commission of offence u/s 294/506/34 IPC.

2. The informant Ranju Borah lodged an ejahar alleging *inter alia* that on 28.10.2013 at about 2:00 p.m., the accused persons uttered abusive languages to the

informant and tried to assault her with stick(lathi). On 31.10.2018 at about 7:30 p.m., the accused persons hurled abusive languages to the informant and threatened her with dire consequences. Hence this case.

3. On receipt of the ejahar, in-charge of Dholpur Outpost forwarded the same to Bihpuria Police Station and thereafter the Officer-in-Charge of Bihpuria Police Station registered the case as Bihpuria P.S. case no. 690/2018 u/s 294/336/506/34 IPC. Thereafter Investigating Officer launched investigation of the case and submitted chargesheet u/s 294/506/34 of the Indian Penal Code against the accused persons namely Bina Borah @ Bhadreswari Borah, Pankaj Borah and Kanchanmoni Borah.

4. Thereafter, cognizance has been taken and summon have been issued to the accused persons. On appearance of accused persons, necessary documents required u/s 207 Cr.P.C have been furnished to them. On perusal of the materials on record substance of accusation u/s 294/506/34 IPC is read over and explained to the accused persons to which they pleaded not guilty and claimed to be tried.

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

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

7. I have heard the arguments advanced by the learned counsel for the accused persons 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 persons in furtherance of common intention on 28.10.2018 at about 2:00 p.m., and 31.10.2018 at about 7:30 p.m., uttered obscene languages to the informant in a public place and thereby committed an offence punishable u/s 294/34 of IPC?

Point No 2: Whether the accused persons in furtherance of common intention on 31.10.2018 at about 7:30 p.m., committed criminal intimidation by threatening the informant with an injury to her person and thereby committed an offence punishable u/s 506/34 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. From the evidence of **P.W-1/informant Ranju Borah**, it reveals that the informant 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 informant herself has refused to lead evidence against the accused persons in support of the ejarah lodged in this case by her. Thus, from the little evidence that has been brought before this court in the form of statement made by the informant/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 informant has failed to implicate the accused persons 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 persons namely Bina Borah @ Bhadreswari Borah, Pankaj Borah and Kanchanmoni Borah. Accordingly, accused persons are acquitted of the charge u/s 294/506/34 IPC levelled against them in this instant case.

- 10.** Set the accused persons at liberty forthwith.
- 11.** The bail bonds for the accused persons are 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 05th 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 : Ranju Borah

B. EXHIBITS OF PROSECUTION:

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

C. WITNESS OF DEFENSE: NIL

D. EXHIBITS OF DEFENSE: NIL

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