

**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. 185/2018

Under section 447/323/294/506 of the of the Indian Penal Code

State of Assam

-Vs-

Sri Madhab Burgohain

.....Accused

Date of offence explanation : 18.12.2018
Dates of recording evidence of PW : 12.02.2020
Date of examination u/s 313, Cr.P.C. : 12.02.2020
Date of Argument : 12.02.2020
Date of judgment : **12.02.2020**

Advocates appeared in the case:-

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

Sri L.M Saikia, Advocate, for the accused

J U D G M E N T

1. The factual matrix of the prosecution is that one Sri Guna Buragohain on 21.01.2018 had lodged an FIR with the Officer-in-charge of North Lakhimpur Sadar Police Station alleging that on that day at about 4:20 PM while he and his friend Mukul Ramgmai was doing work in their pond the accused Madhab Buragohain entered inside and without any reason had assaulted him with a bamboo lathi causing injuries to him. He also threatened him with dire consequences and verbally abused him with filthy language. Hence, the case.

2. On receipt of the ejahar, the Officer-in-charge of North Lakhimpur Police Station registered a case vide N.L.P.S. Case No. 80/2018, under section 447/325/506/294 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 447/323/294/506 of the Indian Penal Code against accused Sri Madhab Buragohain to stand trial in the Court.

3. On receipt of the charge-sheet, cognizance of the offence under section 447/323/294/506 of the Indian Penal Code was taken as per section 190(1)(b) of the Code of Criminal Procedure. The accused entered his appearance before the Court after receiving the summons. Copies were furnished to the accused as per provision contained in section 207 of the Code of Criminal Procedure. The particular of offence under section 447/323/294/506 of the Indian Penal Code when being read over and explained to the accused person 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 had criminally trespassed into the premises of the informant ?

(b) Whether the accused had voluntarily caused hurt to the informant ?

(c) Whether the accused had verbally abused the informant with filthy language in public to cause annoyance to him ?

(d) Whether the accused had criminally intimidated the informant ?

5. During the trial the Prosecution side examined the informant and the victim of this case viz. Sri Guna Buragohain as PW-1. The prosecution had exhibited the ejahar as Ext-1 and the signature of the informant therein as Ext-1(1) . The statement under section 313 of the Code of Criminal Procedure of the accused was recorded and he declined to adduce evidence in defence.

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

DISCUSSION, DECISION AND REASONS THEREOF:

7. For the sake of convenience all the points for determination are taken up together for discussion.

8. The PW-1 Guna Buragohain in his evidence stated that the accused is his neighbour and at the time of incident he was working in his garden. The accused then came there and had a verbal altercation with him on the road in front of his house over some matter of buying fish. When he tried to avoid the altercation and leave the scene then in a hurry he fell down and sustained injuries and he later out of a misunderstanding had filed this case.

9. So, from the evidence of the PW-1, it can be seen that all that had happened between the informant and the accused was a mere verbal altercation and nothing else.

10. So no offence is made out against the accused and consequently all the aforesaid points for determination are held in negative.

11. The prosecution has failed to prove the case against the accused under section 447/323/294/506 of the Indian Penal Code and as such he is acquitted from the said offences and is set at liberty.

Bail bonds are extended to further 6 (six) months from today.

The judgment is delivered and operative part of the same is pronounced in the open court on this 12th day of February, 2020.

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

Dictated & corrected by me-

(Sri 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

Sri Guna Buragohain (PW-1)

PROSECUTION EXHIBITS

Ejahaar (Ext-1)

Signature of PW-1 [Ext-1(1)]

WITNESSES FROM THE DEFENCE SIDE

Nil

DEFENCE EXHIBITS

Nil

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