

**IN THE COURT OF JUDICIAL MAGISTRATE 1ST CLASS,
LAKHIMPUR, NORTH LAKHIMPUR.**

**GR CASE NO.2221/2015
U/S 294/506/34 IPC.**

PRESENT:

SMT. SWEETY BHUYAN
Judicial Magistrate 1st Class
Lakhimpur, North Lakhimpur.

PARTIES:

STATE OF ASSAM

Vs

1. SMT. RATNESWARI SONOWAL

2. SMT. POLI SONOWAL @ KOLI

..... ACCUSED PERSONS

Appearance:

For the State: MR. JANGKI DOLEY

For the accused persons: MR. PANKAJ SAIKIA
& MISS MADHUMITA GHOSH

Dates of Evidences: 04.01.2018, 28.02.2018,
13.06.2018, 24.07.2018,
04.09.2018, 01.11.2019

Date of Argument: 01.02.2020

Date of Judgment: 12.02.2020

JUDGMENT

- 1.** The accused persons, namely, **Smt. Ratneswari Sonowal**, wife of Sri Puneswar Sonowal and **Smt. Poli Sonowal @ Koli**, wife of Sri Sarat Sonowal, both are R/o village - Gagaldubi, Police Station- Boginadi, in the District of Lakhimpur, here in this case have been put to trial to answer the charges for the offence Punishable under Section 294/506/34 of the Indian Penal Code.
- 2.** The brief facts of the prosecution case is that on 29.10.2015 at about 9 A.M. while the informant went to his own land, the accused persons carrying dao and lathi and uttered obscene words against him. Hence, the case, and the same was registered as Boginadi Police Station Case No.123/2015 under Sections 294/506 of the Indian Penal Code against Sri Sarat Sonowal, Sri Mukunda Sonowal, Sri Puneswar Sonowal, Smt. Ratneswari Sonowal, Smt. Poli Sonowal @ Koli named in the ejahar. The Investigating Officer submitted Charge Sheet against the accused persons, namely, Smt. Ratneswari Sonowal and Smt. Poli Sonowal @ Koli under Sections 294/506 of the Indian Penal Code.
- 3.** After appearance of the accused persons, the copies of the relevant documents were furnished to both the accused persons. Upon hearing and on perusal of the case record the particulars of offence under sections 294/506/34 of IPC were read over and explained to the accused persons by my Learned Predecessor to which they pleaded not guilty and claimed to be tried.

4. In support of the case, the prosecution has adduced 6 PWs. The statements of the accused persons were recorded under Section 313 Cr.P.C. and the accused persons denied of committing the alleged offence and also denied to adduce any evidence in their support.
5. After perusing the case record and hearing both sides the following points for determination are framed:
 - (i) Whether the accused persons, on 29.10.2015 at about 9 A.M. on the land of the informant, in furtherance of their common intention, uttered obscene words against the informant, in or near any public place to the annoyance of other persons, and thereby committed an offence under section **294/34** IPC?
 - (ii) Whether the accused persons, on 29.10.2015 at about 9 A.M. on the land of the informant, in furtherance of their common intention, criminally intimidated the informant and thereby committed the offence under Section **506/34** IPC?

DECISIONS AND REASONS FOR DECISION:

6. I have heard the argument from both sides.
7. All the points for determination are decided together for the purpose of convenience and brevity.

The informant stated in his ejahar that on 29.10.2015 at about 9 A.M. while the informant went to his own land, the accused

persons carrying dao and lathi and uttered obscene words against him.

The informant alleged that on the day of the incident the accused persons on his property uttered obscene words against him and criminally intimidated him.

The informant stated in his evidence as PW1 that there has been land disputes between both the parties and a civil suit is also pending in connection with the same and on the day of the incident the accused persons entered into the disputed land and destroyed the cultivation of the informant and when the informant told them not to do so, they both quarreled with him and uttered obscene words against him and threatened to kill him.

The PW2 and PW3 do not know anything about the incident.

The PW4 and PW5 did not state anything about utterance of obscene words by the accused persons and also about any criminal intimidation given by them to the informant. The PW5 only deposed about the fact that there was a quarrel between both the parties. The PW4 did not mention anything except the fact that one male person restrained the informant from picking up the fences and thereafter police came and took them.

Hence, from the above evidences, it can be seen that except the informant none other witnesses deposed anything about utterance of obscene words and criminal intimidation by the accused persons against the informant. As such, the fact asserted

by the informant did not find any support from the other witnesses. Hence, the evidence of the informant alone falls insufficient for proving the guilt of the accused persons beyond all reasonable doubts.

Hence, considering the nature of the evidences adduced by the prosecution, it can be held that the prosecution has completely failed in proving the guilt of the accused persons u/s 294/506/34 beyond all reasonable doubts thereby making them not guilty under the alleged sections of law.

(Contd....)

ORDER

As this court finds both the accused persons, namely, **Smt. Ratneswari Sonowal** and **Smt. Poli Sonowal @ Koli**, not guilty of the offence u/s 294/506/34 of IPC, the accused persons are acquitted of the charges u/s 294/506/34 of IPC.

The accused persons are set at liberty forthwith.

The bail bonds are extended for 6 (six) months from today.

The judgment is pronounced in the open court.

Given under my hand and seal of this court on 12th of February, 2020.

(SMT. SWEETY BHUYAN)
JUDICIAL MAGISTRATE 1ST CLASS
LAKHIMPUR, NORTH LAKHIMPUR

Dictated & Corrected by me:

(SMT. SWEETY BHUYAN)
JMFC, NORTH LAKHIMPUR

Transcribed & typed by me:

Kumar Gaurav (Stenographer)

APPENDIX

Prosecution witnesses

1. PW1: SRI RUBUL SONOWAL
2. PW2: SRI BISWA KUMAR SONOWAL
3. PW3: SRI SUSEN DOLEY
4. PW4: SRI BISWAJIT PHUKAN
5. PW5: SRI RAJU BALLOON
6. PW6: SI ATUL BORAH

Defence witnesses

Nil.

Documents exhibited by the prosecution

1. EXT.1: EJA HAR
2. EXT.2: SKETCH MAP
3. EXT.3: CHARGESHEET

Documents exhibited by the Defence

Nil.

(SMT. SWEETY BHUYAN)
JUDICIAL MAGISTRATE 1ST CLASS
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