

**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. 552/2018

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

State of Assam

-Vs-

Smti. Sonali Pegu Chabukdhara

Accused

Date of offence explanation : 17.12.2020
Date of recording evidence of PW : 06.01.2021
Statement u/s 313, Cr.P.C recorded on : 06.01.2021
Date of argument : 06.01.2021
Date of judgment : **06.01.2021**

Advocates appeared in the case:-

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

Mr. Jayanta Borah, Advocate, for the accused

J U D G M E N T

1. The prosecution case, in brief, is that on 11.03.2018 one Smti. Kusum Chabukdhara had lodged an ejahar before the Officer-in-charge of Bihpuria Police Station alleging inter alia that on that day at about 7:00 AM the accused Smti. Sonali Pegu Chabukdhara had verbally abused her with filthy language and had pulled her down to ground holding her hair and had assailed her causing injury to her. Hence, the case.

2. The Officer-in-charge of Bihpuria Police Station, on receipt of the ejahar, registered a case vide Bihpuria P.S Case No. 110/2018 under section 294/325/506 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 294/352/506 of the Indian Penal Code against accused Smti. Sonali Pegu Chabukdhara to stand trial in the Court.

3. On receipt of the charge-sheet, cognizance of the offence under section 294/323/506 of the Indian Penal Code was taken as per section 190(1)(b) of the Code of Criminal Procedure. The accused entered her 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 particulars of the offence under section 294/323/506 of the Indian Penal Code were explained to the accused to which she 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 hurled verbal abuses with filthy language to the informant in public to cause annoyance to her ?

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

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

5. During the trial the prosecution side examined only one witness viz. Smti. Kusum Chabukdhara as PW-1. The prosecution had exhibited the ejahar as Ext-1 and the signature of the informant therein as Ext-1(1).

6. After the closure of the prosecution evidence, the statement under section 313 of the Code of Criminal Procedure was recorded. The defence plea is of total denial and the defence side declined to adduce evidence in defence.

7. Both the sides advanced their respective argument in this case.

DISCUSSION, DECISION AND REASONS THEREOF:

8. Now in order to decide the aforesaid points of determination let us go through the evidence of PW-1.

9. PW-1 Smti. Kusum Chabukdhara, the informant-cum-victim, in her evidence deposed that the accused Smti. Sonali Pegu Chabukdhara is her sister-in-law and on the day of incident she had a verbal altercation with the accused over a matter of path between their house and later out of a misunderstanding she had lodged an ejahar against the accused.

10. PW-1 in her cross-examination stated that the accused didn't assault her and caused any hurt to her and this case in fact arose of only out of a misunderstanding.

11. So from the evidence of PW-1 it transpires that the only thing that had happened between the informant and the accused was a mere verbal altercation and nothing else and this case in fact arose only out of a misunderstanding.

12. So no such offence as that of the accused hurling verbal abuses at the informant with filthy language in public to cause annoyance to her or that of the accused voluntarily causing hurt to the informant or that the accused threatening the informant in fact took place.

13. Hence in the given position no offence is made out against the accused and consequently all the aforesaid points of determination are held in negative.

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

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

The judgment is delivered and operative part of the same is pronounced in the open court on this 6th day of January, 2021.

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

Dictated & corrected by me-

(Shri 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

Smti. Kusum Chabukdhara (PW-1)

PROSECUTION EXHIBIT

Ejahaar (Ext-1)

Signature of the informant [Ext-1(1)]

WITNESSES FROM THE DEFENCE SIDE

Nil

DEFENCE EXHIBIT

Nil

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