

**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. 997/2020

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

State of Assam

-Vs-

Sri Azad Singh

.....Accused

Date of offence explanation : 06.01.2021
Date of recording evidence of PWs : 28.01.2021
Statement u/s 313, Cr.P.C recorded on : 28.01.2021
Date of argument : 28.01.2021
Date of judgment : **28.01.2021**

Advocates appeared in the case:-

Mrs. Ajanta Sharma Baruah, Addl. P.P., for the State

Mr. Sanjib Gogoi, Advocate, for the accused

J U D G M E N T

1. The brief of the case, as resumed in the prosecution is that one Smt. Putul Basfore lodged an ejahar before the O/C, North Lakhimpur Police Station on 20.05.2020 at about 1:55 PM alleging inter-alia that the accused person Sri Azad Singh had made some vulgar gestures to her and her family members and further he hurled verbal abuses to her. He also pulled her clothes and had assaulted her son when he came to inquire that what had happened. Hence, the case.

2. The Officer-in-charge of North Lakhimpur Police Station, on receipt of the ejahar, registered a case vide North Lakhimpur P.S Case No. 415/2018 under section 447/509/294/352/323/506 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 Sri Azad Singh 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 323/294/506 of the Indian Penal Code were explained to the accused to which 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 voluntarily caused hurt to the informant and her son on 20.05.2020?

(b) Whether the accused had hurled verbal abuses with filthy language to the informant and her son in public to cause annoyance to them?

(c) Whether the accused had criminally intimidated the informant and her son?

5. During the trial the prosecution side examined only two witnesses viz. Smti. Putul Basfor as PW-1 and Sri Dilip Basfor as PW-2.

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. Putul Basfor, the informant, in her evidence deposed that the incident occurred about 4/5 months back in front of her gate at about 1:00 PM. She at that time had returned home from her duty. The accused who often used to get drunk used to shout a lot near his house to which they had objection and over that matter there was a verbal altercation between her and the accused person. He also had a verbal altercation with her son Dilip Basfor. Later, she had lodged an ejahar against the accused. However, the matter was later amicably settled between them. Ext-1 is her ejahar and Ext-1(1) is her signature therein.

10. PW-1 in her cross-examination stated that she has no objection if the accused is acquitted as this case arose only out of a misunderstanding and all that had happened was a mere verbal altercation between them and nothing else. The accused has also assured of giving up his drinking habit and he is not shouting any more now a days.

11. PW-2, Sri Dilip Basfor, victim of the case and son of the informant stated in his evidence that the incident occurred about a year back at about 11:00/11:30 AM in front of his house. The accused who often used to get drunk used to shout a lot near his house to which they had objection and over that matter there was a verbal altercation between the accused and his mother. Later, he had also had a verbal altercation with him. When he left the place in a hurry he fell down and sustained injury. Later, his mother had lodged an ejahar against the accused. However, the matter was later amicably settled between them.

12. PW-2 in his cross-examination stated that he has no objection if the accused is acquitted as this case arose only out of a misunderstanding and all that had happened was a mere verbal altercation between them and nothing else. The accused has also assured of giving up his drinking habit and he is not shouting any more now a days.

11. So from the evidence of PW-1 and PW-2 it transpires that the only thing that had happened between both sides was a mere verbal altercation and nothing else. This case in fact arose only out of a misunderstanding. PW-2 clearly disclosed the fact that when he left the place in a hurry he fell down and sustained injury.

12. So no such offence as that of the accused voluntarily causing hurt to the informant and her son or that of hurling verbal abuses at the informant and her son with filthy language in public to cause annoyance to them or that of the accused person criminally intimidating the informant and her son is made out.

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 323/294/506 of the Indian Penal Code and as such he 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 28th 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 Debashis Bhuyan, Stenographer

Contd. Appendix

A P P E N D I X

WITNESSES FROM THE PROSECUTION SIDE

Smti. Putul Basfor (PW-1)

Sri Dilip Basfor (PW-2)

PROSECUTION EXHIBIT

Ejhar (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