

**IN THE COURT OF THE CHIEF JUDICIAL MAGISTRATE,  
DIBRUGARH :: ASSAM.**

G.R. Case No. 4298/19 (PRC No. 587/2020)

U/S 294/506 OF IPC

**State of Assam**

**-Vs-**

**Sri Raju Chodhuri.....Accused Person.**

***PRESENT : A.K. BARUAH, LL.M. AJS.  
Chief Judicial Magistrate,  
Dibrugarh.***

**APPEARANCE :**

Advocate for the Prosecution	: Smti. D. Gogoi, Asst. P.P.
Advocate for the Defence	: Jamshed Khan, Advocate.
Date of evidence	: 28.04.2021.
Date of argument	: 28.04.2021.
Date of judgement	: 05.05.2021.

**J U D G M E N T**

1. The prosecution case in brief, is that on 16.10.2019, at about 12 PM, the son of the complainant namely Shri Raju Chodhuri started quarrel with the complainant and tried to kill her with a sharp "Dad". The complainant somehow managed to run away and save her life. The accused used to beat and scold the complainant with filthy language. The accused is a habitual drunkard and he has two other

plots at Lahoal Athbari Gaon and also at Dibrujan, but he forcefully constructed a house at her campus and resided for the last 4 years. The complainant namely Smti Rina Rai lodged one FIR before the Dibrugarh Police station regarding the incident.

- 2.** On the basis of the Ejahar filed by the complainant namely Rina Rai, a case being Dibrugarh P.S. Case no. 1746 of 2019 was registered u/s 294/506 IPC. Police conducted investigation into the case and filed charge sheet against the accused person namely Sri Raju Chodhuri under sections 294/506 IPC.
- 3.** The accused appeared in this case. Copies were furnished to him under section 207 Cr PC. Considering the material on record, particulars of offence under section 294/506 IPC were explained to the accused person, to which, the accused person pleaded not guilty and claimed to be tried.
- 4.** During the trial of the case, the prosecution side examined 1 (one) P.W. in this case. The defence plea is of total denial. The defence did not adduce any evidence. Examination of accused under section 313 Cr PC was dispensed with.
- 5.** I have heard the learned counsel for the accused and learned Asst. P.P for the State. Having heard both sides and after perusing the materials on record, the following

points for determinations are framed by this court for the just decision of the case:-

**6. POINTS FOR DETERMINATION :-**

- i. Whether the accused person on 16.10.2019, at about 12 PM, uttered obscene words against the complainant in order to annoy her in public?
- ii. Whether the accused person committed criminal intimidation by threatening the informant with dire consequence on above mentioned date and time?

**DECISION AND REASONS FOR THE DECISION :-**

- 7.** PW1 (**Smti. Rina Rai**) deposed in her evidence that she is the complainant of this case and the accused is her son. Due to some quarrel, out of some misunderstanding, she lodged this case against the accused son. PW1 has no allegation against the accused person. PW1 does not want to proceed with the matter.

In her cross-examination, PW1 deposed that she has no objection if the accused person is acquitted from the case.

- 8.** From the above discussion, I found no material against the accused. P.W has not implicated the accused. PW1 being the complainant cum victim did not implicate the accused by stating that due to some misunderstanding, she (PW1) lodged the case. Hence, from the evidence on

record, I found no material against the accused. Hence, I hold the points for determinations in the negative.

- 9.** In the result, I have not found the accused guilty in this case. Hence, I acquit him from the charges under section 294/506 IPC and set him at liberty forthwith.
- 10.** The bail bond will be in force for 6 (six) months from today.

Given under my hand and seal of this court on this 5<sup>th</sup> day of May, 2021.

(A. K Baruah)  
**Chief Judicial Magistrate,  
Dibrugarh.**

**Appendix**

Prosecution Witness :-

PW1 :- Smti Rina Rai.

Defence witness :-

None

**Exhibits :-**

Prosecution exhibits :-

None

Defence exhibits :-

None

Court witness :- None.

Court exhibits :- None.

**CJM, Dibrugarh**