

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

G.R. Case No. 4732/2018 (PRC 1192/19)

U/S 341/294 OF IPC

State of Assam

-Vs-

Sri Bimal Ch. Baruah.....Accused.

PRESENT :A.K. BARUAH, LL.M. AJS.

Chief Judicial Magistrate,

Dibrugarh.

APPEARANCE :

Advocate for the Prosecution	: Miss D. Gogoi, Asst. P.P
Advocate for the Defence	: Mr. T. Ahmed. Advocate.
Date of evidence	: 29.04.2021.
Date of argument	: 29.04.2021
Date of judgement	: 07.05.2021.

J U D G M E N T

1. The case of the prosecution in brief, is that on 20.12.2018, at about 10.30 AM, when the complainant namely Manabjyoti Raj Khanikar was coming home with his friend namely Sri Bijoy Saikia, all of a sudden, the accused Sri Bimal Ch. Baruah with one of his friend Sri Pulak stopped him at Milan Nagar and threatened him with dire consequences and beat him with fist blow. They also warned him that if he complains against the accused to the

Police, they would again beat and kill him. The informant lodged one FIR before the Milan Nagar Police Outpost regarding the incident.

- 2.** On the basis of the FIR lodged by the complainant, a case, being Dibrugarh P.S Case No.1979 of 2018, was registered under Section 341/323/506/34 IPC. Police conducted investigation into the case and filed charge sheet against the accused person namely Sri Bimal Ch. Baruah under section 341/294 IPC.
- 3.** The accused appeared in this case. Copies were furnished to him under section 207 Cr PC. Particulars of offences under section 341/294 IPC were explained to the accused person, to which, the accused 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. Recording of statement of the 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 determination are framed by this court for the just decision of the case:-

6. POINTS FOR DETERMINATION :-

- i. Whether on 20.12.2018, at about 10.30 AM, the accused person wrongfully restrained the informant namely Sri Manabjyoti Raj Khanikar?
- ii. Whether on the same date, time and place the accused person uttered obscene words against the informant namely Sri Manabjyoti Raj Khanikar, in order to annoy him in public?

DECISION AND REASONS FOR THE DECISION :-

- 7.** PW1 (**Sri Manabjyoti Raj Khanikar**) has deposed in his evidence that he is the complainant of this case. He knows the accused person. Due to some quarrel, out of some misunderstanding, he lodged this case against the accused person. PW 1 has identified the FIR as Ext 1 and his signature as Ext 1(1). At present, he has no allegation against the accused person. He does not want to proceed with the matter.

In his cross-examination, PW 1 has deposed that he has no objection if the accused person is acquitted from the case.

- 8.** From the above discussion, I have 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, he (PW1) lodged the case. Hence, from the evidence on

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

9. In the result, I have not found the accused guilty in this case. Hence, I acquit him from the charge under section 341/294 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 07th day of May, 2021.

(A K Baruah)
Chief Judicial Magistrate,
Dibrugarh.

Appendix

Prosecution Witness :-

PW1 :- Manabjyoti Raj Khanikar.

Defence witness :-

None

Exhibits :-

Prosecution exhibits :-

Exhibit 1:- FIR.

Defence exhibits : -

None

Court witness :- None.

Court exhibits :- None.

CJM, Dibrugarh