

IN THE COURT OF THE CHIEF JUDICIAL MAGISTRATE, DIBRUGARH ::

ASSAM.

G.R. Case No. 1203/15

U/S 294/506 OF IPC

Sate of Assam

-Vs-

1. Shri Sivanand Yadav
2. Shri Sohanlal Yadav..... 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 : Zunaid Ansari and
Mr S.N. Yadav.

Date of evidence : 29.04.2019.

Date of argument : 29.04.2019.

Date of judgement : 06.05.2019.

J U D G M E N T

1. The case of the prosecution in brief, is that on 06.05.2015, at about 9.30 P.M, the accused persons namely Shri Shivanand Yadav and Shri Sohanlal Yadav, entered the house of the complainant namely Mrs Pramila Devi, by breaking the door and thereafter, assaulted her. The accused persons even uttered obscene words against the complainant.

The complainant namely Mrs Pramila Devi, lodged one FIR in the Dibrugarh Police Station , regarding the incident.

2. On the basis of the FIR lodged by the complainant , a case, being Dibrugarh P.S Case No. 354 of 2015, was registered under Section 457/323/294/506/34 IPC . Police conducted investigation into the case and filed charge sheet against the accused persons namely Shri Sivanand Yadav and Shri Sohanlal Yadav under section 294/506/34 IPC.
3. The accused named above appeared in this case. Copies were furnished to them under section 207 Cr PC. Particulars of offences under section 294/506 IPC were explained to the accused 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 for the just decision of the case :-

6. POINTS FOR DETERMINATION :-

- i. Whether on 06.05.2015, at about 9.30 P.M, accused uttered obscene words against the informant namely Mrs Pramila Devi, in order to annoy her in public ?

ii. Whether on the same date, time and place, accused committed criminal intimidation by threatening the complainant namely Mrs Pramila Devi, with dire consequence ?

DECISION AND REASON FOR THE DECISION :-

7. PW1 (Mrs Pramila Devi) deposed in her evidence that she is the complainant of this case and she knows the accused persons. Due to some misunderstanding, she lodged this case against the accused persons. PW1 has no allegation against the accused. PW1 does not want to proceed with the matter . In cross-examination, PW1 deposed that she has no objection if the accused persons are acquitted from the case.
8. From the above discussion, I found no material against the accused. PW has not implicated the accused. PW1 being the complainant cum victim did not implicate the accused by stating that due to some misunderstanding, she lodged the case. Hence, from the evidence on record, I found no material against the accused. Hence, I hold the points for determination in negative.
9. In the result, I have not found the accused guilty in this case. Hence, I acquit them from the charge under section 294/506 IPC and set them at liberty forthwith.
10. The bail bonds will be in force for 6 (six) months from today.
Given under my hand and seal of this court on this 6th day of May, 2019.

(A K Baruah)
Chief Judicial Magistrate,
Dibrugarh.

Appendix

Prosecution Witness :-

PW1 :- Mrs Pramila Devi.

Defence witness :-

None

Exhibits :-

Prosecution exhibits :-

Nil

Defence exhibits :-

None

Court witness :- None.

Court exhibits :- None.

CJM, Dibrugarh