

**IN THE COURT OF JUDICIAL MAGISTRATE FIRST CLASS,
DIBRUGARH
GR 92/17
U/S 448/294/506 IPC**

STATE

Vs

**SMTI. POONAM TANTI
D/O BINOD TANTI
R/O DAINIJAN GAON,
PS BORBORUAH,
DIBRUGARH**

Present : Smti. Talat Nasrat Jabin, AJS
Ld. Advocate present :
For the prosecution : Sri. Lakhydhar Deori
For the defence : Sri. Pronob Borah
Evidence recorded on : 07/05/19.
Final argument heard on : 07/05/19.
Date of judgement : 07/05/19.

JUDGEMENT

1. The brief of the prosecution case is that on 29/12/2016 at about 1.30pm the accused person entered into the house of the informant and without any reason assaulted her and used abusive language against her and thereby threatened her with dire consequence. Hence this case.

2. On receipt of the information, the OC of Borboruah Police Station received the FIR and registered it as Borboruah P.S case number 06/17, U/S 448/294/506 IPC and forwarded the FIR for investigation. The investigating officer in the course of investigation, visited the place of occurrence, examined the witnesses, prepared the sketch map and the accused person was arrested and allowed to go on police bail. On the conclusion of investigation, police filed charge-sheet U/S 448/294/506 IPC.

3. On receiving the case for disposal, summons was issued to the accused person. On appearance of the accused person, copies of the relevant document was furnished to the accused person in compliance with S.207 Crpc After the consideration of materials on record, the particulars of offence U/S 448/506/294 IPC was read over and explained to the accused person Smti. Poonam Tanti to which she pleaded not guilty and claimed to be tried.

4. Points of determination:

- I. Whether the accused person entered into the house of the informant in order to commit offence and thereby committed offence punishable under section 448 IPC?
- II. Whether the accused person abused the informant with filthy language in public and there by committed offence punishable under section 294 IPC?
- III. Whether the accused person threatened the informant with dire consequences and there by committed offence punishable under section 506 IPC?

5. THE TRIAL

During the trial prosecution examined as many as 1 (one) witness. The defence have fully utilised the opportunity to cross examine the prosecution witness. Considering the testimony of the prosecution witnesses the statement of the accused persons under section 313 Crpc dispensed with. The defence side have declined to adduce any evidence in defence. After closure of evidence, I have heard the final arguments of the learned advocates of both the sides and thereupon have reached the following decision.

6. DISCUSSION, DECISION AND REASONS THEREOF:

Let me first consider the evidence adduced by different witness produced from the prosecution side.

PW1, Smti. Mon Kurmi in her evidence stated that she had filed the case two and half year before. There was a misunderstanding with the accused person Smti. Poonam Tanti. The accused person resides on her plot of land and the matter has been amicably settle between them and she no longer wants to proceed with the case.

After considering of the evidence of the prosecution witness it appears that instant case is the result of anger and spur of the moment. There has been some misunderstanding between the parties but the matter now has been amicably settled between them. The prosecution witness did not adduce anything against the accused person.

Thus the prosecution failed to prove the case under section 448/294/506 IPC against the accused person.

ORDER

The accused person Smti. Poonam Tanti is acquitted under section 448/294/506 IPC and set at liberty henceforth.

The bail bond of the accused persons shall extend to another six months as per section 437 A Crpc.

Given under my hand & seal of this court and delivered in the open Court on this 7th May, 2019.

Talat Nasrat Jabin

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Judicial magistrate first class, Dibrugarh

Appendix:

List of prosecution witnesses

PW1: SMTI. MON KURMI.

List of defence witnesses:

NIL

Exhibits of prosecution side

NIL

Exhibits of defence side

NIL

Signature

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