

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

G.R. Case No. 2306/2020 (PRC 1213/2020)

U/s 447/427/506 IPC

**State of Assam**

**-Vs-**

**Sri Suresh Bora @ Nemu**

.....Accused

***PRESENT : Smti. Rani Boro,  
Chief Judicial Magistrate,  
Dibrugarh.***

**APPEARANCE :**

Ld. Advocate for the Prosecution : Smti. D. Gogoi,  
Asst. P.P.

Ld. Advocate for the Defence : Sri Devendra  
Kr Shah

Date of evidence : 01.12.2021

Date of argument : 01.12.2021

Date of judgment : 01.12.2021

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

1. The prosecution case in a nutshell as emanated from the Ejahar lodged on 03.07.2020 at about 01.20 pm is that on 01.05.2020 at about 3 pm the accused burnt down his own house and thereafter the wife of the accused Smti Ponembori Bora came to the house of the informant and requested them to extinguish the fire and on doing so the accused and his wife started a quarrel between themselves and the accused drove his wife out of the house. The accused holds a grievance against the informant and his family members for extinguishing the fire. On 02.07.2020 at around 06.30 pm the accused came to the informant's house to cut the son of the informant but on not finding his son threatened the informant and his wife of dire consequence.

The informant regarding the incident lodged one FIR before the Tingkhong Police station.

2. On the basis of the FIR, the O/C Tingkhong P.S registered a case as Tingkhong P.S case no. 149 of 2020 U/S 436, 447, 427 IPC. After registration Investigation was entrusted to SI (P) Nilam Boro. During the course of investigation police recorded the statement of the available witnesses and having completed the other parts of investigation submitted charge sheet against the accused **Sri Suresh Bora @ Nemu** U/s 447,427,506 IPC.

3. Case record was kept in the file of this Court for disposal vide order dated 10.11.2020. Summons was issued to accused who entered appearance. On filing bail petition same was allowed. Copy was furnished to the accused. On finding *prima facie* materials particulars of offences U/s 447/427/506 IPC was explained to the accused person to which he pleaded not guilty and claimed to be tried.
4. Prosecution as such, examined 2 (two) witness in this case and evidence was thus closed. Thereafter, the recording of statement of the accused U/s 313 was dispensed with. Defence evidence was closed. Judgment is accordingly, prepared after hearing the arguments of both sides.
5. 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 on 01.05.2020 at about 3 pm criminally trespassed into the house of the informant and thereby committed an offence punishable U/s 447 IPC?

(ii) Whether on the same date time and place the accused committed mischief and caused damage to an amount of rupees fifty or upward and thereby committed an offence punishable U/s 427 IPC?

iii) Whether on the same date, time and place the accused criminally intimidated the informant with dire consequence and thereby committed an offence punishable U/s 506 IPC?

**MY DECISIONS AND REASONS FOR DISCUSSIONS ARE AS FOLLOWS:-**

7. PW 1 deposed that he is the informant of this case. The accused is his elder brother. He lodged this case about 1 year ago against the accused. Due to some misunderstanding he lodged this case against the accused person. Exhibit 1 is the FIR and Exhibit 1(1) is his signature. At present he has no allegations against the accused. He does not want to proceed with the matter.

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

8. PW 2 in his evidence has deposed that he knows the informant and the accused of this case who are his uncle. The incident happened in the year 2020. He knows the matter was amicably settled between

the parties. He has no allegations against the accused person.

PW 2 in his cross-examination has deposed that he has no objection if the accused person is acquitted from the case.

9. From the evidence therefore it is very clear that the FIR was lodged by informant PW 1 due to misunderstanding. That misunderstanding has been resolved by both the parties now and informant does not want to proceed against the accused further. There is no evidence deposed by PW 1 and PW 2 about any offence U/s 447/427/506 IPC. Because of absence of evidence against the accused person this Court finds the accused not guilty of offences U/s 447/427/506 IPC and acquits him of the same. The accused is set at liberty forthwith as prosecution miserably failed to prove the charges against him.

### **ORDER**

In the light of the above discussion, the accused **Sri Suresh Bora @ Nemu** is acquitted of offences U/s 447/427/506 IPC and set at liberty forthwith as prosecution failed to prove this case beyond reasonable doubt.

The bond shall remain in force for 6 (six) months from today.

**G.R Case No. 2306/2020**

Judgment is prepared in separate sheets and tagged with the case record.

Given under my hand and seal of this court on this 01<sup>st</sup> day of December, 2021.

**(Smti Rani Boro)**  
**Chief Judicial Magistrate,**  
**Dibrugarh**

**Appendix**

Prosecution Witness :-

PW1 :- Palash Bora

PW2 :- Monuj Bora

Defence witness :- None

Exhibits :-

Prosecution exhibits :-

Ext 1 :- FIR.

Ext 1(1) :- Signature of PW 1.

Defence exhibits :- None

Court witness :- None.

Court exhibits :- None.

**CJM, Dibrugarh**