

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

G.R. Case No. 213/2020 (PRC 1338/2020)

U/s 294/506/34 IPC

**State of Assam**

**-Vs-**

**Sri Rusnan Topna @ Rusan**

**Sri Marthin Topna**

.....Accused persons

***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 : 23.11.2021

Date of argument : 23.11.2021

Date of judgment : 07.12.2021

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

- 1.** The prosecution case in a nutshell is that on 12.01.2020 at about 5 pm when a farewell function in the tea garden was going on, at that time the accused **Sri Rusna Topno @ Rusan** physically

assaulted the informant by strangulating him. Informant was saved by 2 persons however, the other accused **Sri Marthin Topno** severely attacked the informant. The informant regarding the incident lodged one FIR before the Dikom Police station.

2. On the basis of the FIR, the O/C Lahoal P.S registered a case as Lahoal P.S case no. 13/2020 U/S 325, 507, 506 IPC. After registration Investigation was entrusted to SI Gauranga Dey. 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 persons namely **Sri Rusna Topno @ Rusan and Sri Marthin Topno** U/s 294/506/34 IPC.
3. Case record was kept in the file of this Court for disposal vide order dated 27.11.2020. 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 294/506/34 IPC was explained to the accused persons to which they pleaded not guilty and claimed to be tried.
4. Prosecution as such, examined 1 (one) 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 persons on 12.01.2020 at about 5 pm in furtherance of common intention uttered obscene words to the informant and thereby committed an offence punishable U/s 294/34 IPC?

ii) Whether on the same date, time and place the accused persons in furtherance of common intention criminally intimidated the informant with dire consequence and thereby committed an offence punishable U/s 506/34 IPC?

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

7. PW 1 deposed that she is the informant of this case. She knows the accused persons who are her

relatives. On the day of the incident there was a quarrel between her and the accused persons over some trivial issues and out of the heat of the moment she lodged an Ejahar against the accused persons. She has settled the issue amicably and she does not have any issue with the accused persons as the accused are her relatives and she has compromised the matter with the accused persons and does not want to proceed with this case. She has identified the ejahar and her signature which is marked as Exhibit 1 and Exhibit 1(1) by the prosecution.

PW 1 in her cross-examination has deposed that she has compromised the matter with the accused persons and does not have any objection if the accused persons are acquitted from this case.

- 8.** 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 about any offence U/s 294/506/34 IPC. Because of absence of evidence against the accused person this Court finds the accused not guilty of offences U/s 294/506/34 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 persons namely **Sri Rusna Topno @ Rusan and Sri Marthin Topno** are acquitted of offences U/s 294/506/34 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.

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

Given under my hand and seal of this court on this 07<sup>th</sup> day of December, 2021.

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

**Appendix**

Prosecution Witness :-

PW1 :- Smti Moni Kharia

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**