

**IN THE COURT OF JUDICIAL MAGISTRATE FIRST CLASS**

PRC 195/2019 (GR- 3774/2018)

Under Section 498(A) of the Indian Penal Code

The State of Assam

Versus

Sri Deba Bharali

.... Accused Person

R/O- Rangabononi, PS-  
Tingkhong, Dibrugarh

Present: Rinku Boro, AJS

Advocate appearing for the State :Learned APP Sri L. Deori

Advocate appearing for the Accused persons: Learned Advocate  
Mrs. Papuli Borgohain

Dates of recording Evidence : 07.12.2021

Date of hearing Argument : 07.12.2021

Date of delivering Judgment : 07.12.2021

## **JUDGMENT**

### **CASE OF THE PROSECUTION:**

1. The prosecution briefly narrated that the informant made a written complaint alleging that on 06.10.2018 at around 5:30 PM the accused person Sri Deba Bharali resident of Rangabononi came at his petrol pump situated at Rajgarh and without any reason abuse and physical assaulted his three staffs namely, Sri Raju Singh, Sri Dipen Kumar and Sri Sahil Patel.

### **ALLEGATIONS and INVESTIGATION:**

2. On receipt of the FIR, the Officer-in-charge of Tingkhong police station registered a case being Tingkhong P.S. Case No. 195/2018 under Sections 447, 294 and 506 of Indian Penal Code against the accused person namely, Sri Deba Bharali. The investigating officer S.I. Dibya Jyoti Morang carried out the investigation in the matter. During the course of investigation, the IO examined the witnesses u/s section 161 Cr.P.C, prepared one sketch map of the place where the offence was allegedly committed and then after completion of the investigation finally submitted charge-sheet finding sufficient materials against the accused person namely Sri Deba Bharali U/s 294 and 506 of IPC.

### **CHARGE AND OFFENCE EXPLANATION:**

3. On issuance of process, as per Section 204 (1) (b) accused person were called upon to enter trial and copies of all the relevant documents u/s Section 173 was furnished to the accused person in

compliance with Section 207 Cr.P.C. Upon hearing and on perusal of case records and hearing both the sides cognizance of the alleged offence under Sections 294 and 506 of the Indian Penal Code was taken and accordingly offences under Sections 294 and 506 of IPC was framed and which was also read over and explained to the accused person to which he pleaded not guilty and claimed to be tried. Thereafter summons was issued to the prosecution witnesses.

### **TRIAL**

4. During the trial of the case, the prosecution side examined 1 (one) prosecution witnesses and 1(one) Exhibit in this case. Learned APP requested to closed further prosecution witness. Accordingly, at the request of the learned APP, the prosecution evidence was closed. The examination of the accused person under section 313 of Cr.P.C. has been dispensed with finding no any incrementing materials against the accused person. The defence did not adduce any evidence.

### **POINTS FOR DETERMINATION:**

5. I have heard the learned counsel for the accused and learned assistant public prosecutor for the state. Having heard both sides and after perusing the materials on record, the following point for determination is framed for the just decision of the case: -
  - I. Whether the accused person on 06.10.2018 at about 5:30 PM at Rajgarh petrol pump of the informant uttered obscene words and verbally abused the informant's staffs near a public place causing annoyance to others and thereby

committed an offence punishable under Section 294 of the Indian Penal Code , and within (s) the cognizance of this court.

- II. Whether the accused person on the said date, time and place that you, committed criminal intimidation by threatening the informant's staffs to dire consequences and thereby committed an offence punishable under Section 506 of the Indian Penal Code, and within (s) the cognizance of this court.

**DECISION AND REASONS THERE OF:**

6. I have heard the argument from both sides.
7. PW1 Sri Prasanta Dutta deposed and stated in his examination-in-chief that he knew the accused person, Sri Deba Bharali. He resides nearby him. He is the complainant of the case. The incident occurred in the year 2018. During that time he was working as a manager in a petrol pump at Rajgarh. On that day a few office staff came and informed him that the accused person was arguing with them. Thereby, in a fit of rage he lodged the FIR against the accused person. Exhibit 1 is the Ejahar and Exhibit 1(1) is his signature. He also stated that all the staffs who were present during the incident has left the work and returned to their native place. He also stated that he do not wish to proceed the case.

## **ANALYSIS OF EVIDENCE:**

8. Thus, from the evidence of the sole evidence it appears that the fact of the case is the outcome of the misunderstanding between him and the accused person and hence consideration of other evidence of the prosecution will bear no relevance or would give no further conclusion in the case.

9. Hence, considering the evidence of the PW1- Sri Prasanta Dutta in entirety, I did not find any evidence on whole that the accused person has committed any offence U/s 294 and 506, IPC beyond all reasonable doubts.

10. From the above discussion and examination of witness, it can be summarised that the prosecution has failed to prove the commission of offences under Sections 294 and 506 of the Indian Penal Code against Sri Deba Bharali.

11. Conclusively, having consideration of the evidence available on record including the facts and circumstances till this point I found the points of determination are decided in negative and the accused person is entitle for acquittal. Accordingly the accused person Sri Deba Bhrarali is found not guilty and hence, acquitted from the charge U/s 294 and 506, IPC.

## ORDER

12. In view of the discussion made above and the decisions reached in the foregoing point for determination, it is held that the prosecution has failed to prove beyond reasonable doubt that the accused person namely, Sri Deba Bharali had committed the offence under Sections 294 and 506 of the Indian Penal Code as alleged.

13. As such the accused person namely, Sri Deba Bharali is acquitted of the charge under Section 294 and 506 of the Indian Penal Code and he is set at liberty forthwith.

14. The bail bond of the accused person shall remain valid for six months from today as per section 437 of the Cr.P.C.

15. Pronounced by me on this open Court, this 07<sup>th</sup> day of December, 2021 under my hand and seal of this Court.

(Rinku Boro)  
Judicial Magistrate First Class

## APPENDIX

### Prosecution Witness

PW1 – Sri Prasanta Dutta

### Prosecution Exhibits

Exhibit 1 - FIR

Exhibit 1 (1) - Signature of the Informant Sri Prasanta Dutta

### Defence Witness

Nil

### Defence Exhibits

Nil

(Rinku Boro)

Judicial Magistrate First Class