

GR Case No. 3795/2018

IN THE COURT OF JUDICIAL MAGISTRATE FIRST

CLASS::DIBRUGARH

GR Case No. 3795/2018

U/S 294, 323 and 506 IPC

State

Vs.

Smti Amala Devi

.....Accused person.

Present : Deepsikha Das, AJS

Ld. Advocates Appeared

For the prosecution : Smti Gopa Chakraborty
Ld. Addl. PP

For the Defence : Learned Vivek Deka

Evidence recorded on : 10/12/2021

Date of argument : 10/12/2021

Date of judgment : 10/12/2021

JUDGMENT

1. The informant Sri Babul Das lodged the FIR stating inter-alia that on 7/10/2018 at about 10.30 pm, the accused who is his wife has assaulted him, with a hard substance and thereby he sustained grave injury on his head. She also threatened him to kill and of dire consequences. Hence the case.

2. On receipt of the FIR, the police registered the case as Dibrugarh P.S case No.1614/2018 u/s **325 and 506** of Indian Panel Code (I.P.C). Police investigated the case and finally filed the charge-sheet against the accused person Amala Das u/s **294, 323 and 506** IPC.

3. The copy was furnished to the accused person and particulars of offences u/s **294, 323 and 506** of the IPC was read over and explained to the accused person, to which she did not plead guilty and claimed to be tried.

4. In the instant case 1 (one) witness was examined by the prosecution.

Points for determination

i) Whether the accused person had, uttered obscene words against the informant, in or near any public place to the annoyance of other

persons, and thereby committed an offence under section 294 IPC?

ii) Whether the accused person voluntarily does any act with the intention of thereby causing hurt to the informant or with the knowledge that she is likely thereby to cause hurt to her husband and thereby committed an offence under section 323, IPC?

iii) Whether the accused person, had criminally intimidated the informant and thereby committed offence punishable under sec 506 of IPC?

5. **Discussion decision and reason thereof** let me now consider the evidence of the witnesses to arrive at a just conclusion.

6. **PW-1: Babul Das:** stated that he does not want to proceed with the case. Although he has filed the case, now the accused and he has settled the matter and now he wants to compromise the case. Now the accused and he are residing happily.

His cross examination was declined.

7. Thereafter the Ld. Addl. PP prayed for closure of the prosecution evidence as the informant cum victim did not support the prosecution case.

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8. Accordingly the statement of the accused u/s 313 of Cr.P.C has been dispensed with, as there are no incriminating materials against the accused person.

9. I have considered the evidence of the witness. The informant deposed that they want to compromise the case amongst themselves. Accordingly from the materials on record it seems that the allegation of the prosecution has not been substantiated and could not be proved under the present circumstance of the case.

10. Hence the prosecution has no legs to stand. Consequently the accused persons are not found guilty u/s **294, 323 and 506** IPC.

Order

11. The accused person Hanif Ali is thereby acquitted of charges u/s **294, 323 and 506** of the IPC and set at liberty forthwith.

12. Bail bond stands discharged.

13. Given under my hand and the seal of this Court 10th day of December, 2021.

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Deepsikha Das
Judicial Magistrate First Class,
Dibrugarh

Appendix

PROSECUTION WITNESS

P.W-1 Babul Das

DEFENCE WITNESS

NIL

PROSECUTION EXHIBIT

NIL

DEFENCE EXHIBIT

NIL

Deepsikha Das

Judicial Magistrate First Class,
Dibrugarh