

**IN THE COURT OF CHIEF JUDICIAL MAGISTRATE,
DIBRUGARH::ASSAM
PRC NO. 693/2019 (G.R. 56/2019)**

U/s 294/506/34 IPC

State of Assam

-Vs-

- 1. Sri Rompryri Bonia**
- 2. Shri Aan Bonia..... Accused.**

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

APPEARANCE :

Ld. Advocate for the Prosecution : Smti. G. Phukan,
Addl. P.P.

Ld. Advocate for the Defence : Bakhtawar Hussain.

Date of evidence : 18.12.2021.

Date of argument : 18.12.2021.

Date of judgment : 18.12.2021.

J U D G M E N T

- 1.** The case of the prosecution in brief is that on 03/01/2019, the complainant Shri Dondiram Toppo, lodged an FIR, before the Mohanbari Police Out Post, stating inter-alia, that on 30/12/2018, at about 9 PM, as accused did not receive the electricity post at their side, the accused person informed the matter to the Gaonburah/informant, who did not pay any heed to it and for that reason, the accused uttered obscene words against him and had also threatened to kill him. Hence, the case.
- 2.** On the basis of the FIR, lodged by the informant, O/C, Lahowal P.S registered a case as Lahowal P.S case no. 02 of 2019 U/S 294/506/34 IPC. Police conducted investigation into the case and filed charge-sheet against the accused Shri Rampryri Bonia and Shri Aan Bonia under section 294/506/34 IPC.
- 3.** The accused persons appeared in this case. Copies were furnished to them under section 207 Cr PC. Considering the materials on record and on hearing both sides, a prima facie case under section 294/506/34 IPC is found against the accused and accordingly, particulars of offence under section 294/506/34 IPC is explained to the accused, to which, they pleaded not guilty and claimed to be tried.

4. During trial, prosecution side examined 2 (two) witnesses in this case. The prosecution submitted to close the prosecution's evidence. On submission, evidence was closed. As no material has been found against the accused, statement of accused recorded under section 313 Cr PC were dispensed with.
5. I have heard the learned counsel for the accused and learned Addl. P.P for the State. Having heard both sides and after perusing the materials and evidence on record, the following points arises for determination in this case.

6. Points for determination

- I. Whether on 30.12.2018, at about 9 PM, accused persons in furtherance of their common intention uttered obscene words against the informant and others in order to annoy them in public 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 their common intention committed criminal intimidation by threatening the informant and others with dire consequence and thereby, committed an offence punishable u/s 506/34 IPC?

**DECISIONS, DISCUSSIONS AND REASONS
THEREOF.**

7. PW1 (Shri Dandiram Toppo) deposed in his evidence that he is the informant of this case and he knew the accused persons standing in the dock today. That there was a misunderstanding between them and at present; they have compromised the matter amicably between them. That he does not want to proceed with the matter. Exhibit 1 is the FIR and exhibit 1(1) is his signature.
8. PW2 (Shri Nayan Kr. Toppo) deposed in his evidence that the informant is his brother and he knows the accused person standing in the dock today. PW2 deposed that the matter has been amicably settled between the parties and he has no allegation against the accused persons.
9. From the above evidence, it is found that no material against the accused under section 294/506/34 IPC exist. PW1 and PW2 have not implicated the accused in their evidence. PWs have stated that the matter has been settled between the complainant and the accused. Further, PW1, deposed that he does not want to proceed with the matter and has no objection if the accused person is acquitted from this case.
10. In the light of the above discussions, the accused **Shri Rampryri Bonia and Shri Aan Bonia are** acquitted of

offence U/s 294/506/34 IPC and set at liberty forthwith as prosecution has failed to prove its case beyond reasonable doubt.

The bail bonds 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 18th day of December, 2021.

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

Appendix

Prosecution Witness :-

PW1 :- Shri Dandiram Toppo.

PW2 :- Shri Nayan Kr Toppo.

Defence witness :- None

Exhibits :-

Prosecution exhibits :-

Exhibit 1 :- Ejahar.

Defence exhibits :- None

Court witness :- None.

Court exhibits :- None.

CJM, Dibrugarh