

IN THE COURT OF JUDICIAL MAGISTRATE FIRST
CLASS, DIBRUGARH

Present: Smti. Rituparna Sarmah, AJS.

.....
G.R. 137/20

Under section 448/294/506 IPC

State

.....Prosecutor

V.

Sri Alok Yadav

..... Accused person

.....
Evidence recorded on : 17.12.21

Arguments heard on : 17.12.21

Judgment delivered on : 18.12.21

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Appearing for the Prosecution : Smti. L. Mohan.

Appearing for the Defence : Sri Latu Gogoi

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JUDGMENT

1. The brief facts of the prosecution's case is that on 09.01.20 the informant Sri Pranab Bahera had lodged an *ejahar* before the O/C of Dibrugarh P.S. alleging *inter alia* that on 07.01.20 at about 9:26 A.M and 11:34 A.M one Sri Alok Yadav called him through his mobile phone no. 9954841401 and threatened him that he would implicate him in false cases. Late on, he also came to the house of the informant and illegally demanded Rs. 5,00,000/- from him. He also threatened the informant with dire consequences. Hence this case.
2. On the basis of the said *ejahar*, a case was registered as Dibrugarh P.S. case number 55/20 under section 385/436/511/506 IPC and ASI Madan Newar was entrusted to investigate the case. On completion of the investigation, the Investigating Officer (hereinafter referred as I.O.) submitted the charge sheet against the accused person Sri Alok Yadav under section 448/294/506 IPC.

3. Cognizance was accordingly taken. On appearance by the accused person the copies of relevant documents of the case were supplied to him in compliance of section 207 of the Code of Criminal Procedure (hereinafter referred as Cr.P.C). Particulars of offence under sections 448/294/506 IPC was read over and explained to the accused person. On being asked he pleaded not guilty and claimed to be tried.
4. During trial the prosecution has case examined as many **1 [one]** witness. In the absence of any incriminating material against the accused person his examination u/s 313 is dispensed with.
5. I have heard the argument put forwarded by the learned Assistant Public Prosecutor and the learned Defence Counsel. Thoroughly perused the case record.
6. Upon such hearing and perusal I have framed the following points for just decision of the case.

POINT FOR DETERMINATION

7. Whether the accused person on 07.01.20 at about 9:26 am and 11 am entered into the house of the informant with the intention to commit an offence and thereby committed an offence punishable under section 448 IPC?

8. Whether the accused person, at the relevant date and time uttered obscene words to the annoyance of others in a public place and thereby committed an offence punishable under section 294 IPC?
9. Whether the accused person, at the same date and time subjected the informant to criminal intimidation by threatening the informant with dire consequences and thereby committed an offence punishable under section 506 IPC?

DISCUSSION, DECEISION AND REAONS THEREOF

10. In the course of the evidence adduced by the prosecution, it emerged that the informant cum victim of the case Sri Pranab Bahera who has examined as PW-1 did not support the prosecution story. PW-1 has deposed in a very clear terms that he had lodged the *ejahar* because of some misunderstanding with the accused person but the accused person had no fault on their part. As such he does not want to proceed with this case any further. Ext-1 is the *ejahar* and Ext-1(1) is his signature.
11. It clearly appears that the victim did not himself implicate the accused person. Prosecution has failed to adduce any evidence to support the prosecution's case. Situated thus I find and hold that the prosecution has miserably failed to prove any offence against the accused

persons under any section of law and as such the accused person is not found not guilty. The points for determination formulated above are answered in negative.

ORDER

12. Accordingly, the accused person Sri Alok Yadav acquitted of the offence under section 448/294/506 IPC and set at liberty forthwith.
13. The bail bond for the accused person shall be in force for further period of six months in light of section 437-A CrPC.
14. The judgment is delivered and operative part of the judgment is pronounced by me in the open Court today.
15. Accordingly the case is disposed of on contest.

Given under my hand and seal of this court on this the 18th day of December, 2021.

Typed by self.

(SMTI RITUPARNA SARMAH)

Judicial Magistrate First Class, Dibrugarh

APPENDIX

PROSEUTION EXHIBITS:

1. Ext-1: Ejahar
2. Ext-1(1): Signature of P.W-1

DEFENCE EXHIBITS:

NIL

PROSECUTION WITNESSESS:

1. P.W-1: Sri Pranab Bahera

DEFENCE WITNESSES:

NONE

(SMTI RITUPARNA SARMAH)

Judicial Magistrate First Class, Dibrugarh