

**IN THE COURT OF JUDICIAL MAGISTRATE FIRST  
CLASS, DIBRUGARH, ASSAM**

Present:- **Smti. Sanskrita Khanikar, A.J.S.**

Judicial Magistrate First Class, Dibrugarh

**Date of Judgment:-24-02-2022**

**G.R.Case No.789/2020 (PRC-1364/2020)**

(F.I.R. No.42/2020 dated 25/02/2020

Lahowal P.S.Case No. 42/2020 under sections  
294/325/506 IPC)

Complainant:	State of Assam
Represented By	Learned Smti. Panchi Bora
Accused	<b>Sri Amarjeet Singh Negi</b> S/O - Lt. Tarlochan Singh Negi R/O - A.T.Road,Lahowal P.S. - Lahowal Dist -Dibrugarh, Assam
Represented By	Learned Smti. Ivy Chatterjee

Date of Offence	25-02-2020
Date of FIR	25-02-2020
Date of Charge-sheet	31-03-2020
Date of Particulars of the Offences	14-02-2022

**G.R.CASE NO. 789/2020**

Explanation	
Date of Commencement of evidence	24-02-2022
Date of recording Statement Defence	24-02-2022
Date of Argument	24-02-2022
Date on which Judgment is reserved	24-02-2022
Date of Judgment	24-02-2022
Date of Sentencing Order,if any	Nil

**Accused Details:**

Rank of the Accused	Name of Accused	Date of Arrest	Date of Release on Bail	Offences Explained with sections	Whether Acquitted or Convicted	Sentence Imposed	Period of Detention Undergone during Trial for purpose of Sec. 428 Cr.P.C.
Accused No.1	<b>Sri Amarjeet Singh Negi</b>	Nil	07-03-2020	294/323/506 IPC	<b>Acquitted</b>	Nil	Nil

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

1. The prosecution case as stated in the F.I.R. dated 25-02-2020 is that the informant of the instant case is one Smti. Sonia Kaur. On the same day at about 2:20 PM when the informant's husband Sri Parmeet Singh Negi

was at his workshop at Lahoal, the accused, namely, Sri Amarjeet Singh Negi started all of a sudden started abusing him with obscene language and also physically assaulted him. The informant also submits therein that her husband has Avian Stage 4 and that the accused is aware of the same. The informant's husband was then immediately taken to Lahoal PHC for treatment due to the injuries sustained by him. As per the said F.I.R., the accused is of desperate nature and that since the last 2 to 3 years, he has been trying to kill the informant's husband with the intention of forcibly and illegally staying in his company's compound. As such, the informant was compelled to lodge the said F.I.R. against the accused.

2. A case was registered at Lahoal P.S. subsequent to the lodging of this F.I.R. Upon completion of investigation, the police submitted charge sheet against the accused person, namely, Sri Amarjeet Singh Negi for commission of the offences u/sec 323/294/506 of the Indian Penal Code (hereinafter referred to as I.P.C.).

3. The accused person stood for trial. Copies of the relevant documents were furnished to the accused person as required by Section 207 of the Code of Criminal Procedure (hereinafter referred to as Cr.P.C.). Upon finding prima facie case for commission of offences u/sec 323/294/506 of the IPC, the particulars of the offences

were explained to the accused person to which he pleaded not guilty and claimed to be tried.

4. Prosecution in order to prove its case and to nail the guilt of the accused person have examined as many as 2 (two) witnesses, namely, Smti. Sonia Kaur being the informant as PW-1 and Sri Parmeet Singh Negi being the victim as PW-2.

Prosecution has also taken the aid of the Exhibit 1 being the ejahar.

After recording the prosecution evidence, the statement of the accused person was recorded u/sec 313 of Cr.P.C. The defence plea is that of total denial and the accused person claimed innocence. The defence adduced no evidence.

5. I have heard the arguments from both sides and perused the entire evidence on record.

6. THE POINT FOR DETERMINATION

(i) Whether the accused person on 25-02-2020 at Assam Iron & Fabricators Pvt. Ltd., A.T. Road, Lahoal, Dibrugarh voluntarily caused hurt to the informant's husband and thereby committed an offence punishable u/sec 323 of the IPC?

(ii) Whether the accused person on the same date and place verbally abused the informant's husband by using

obscene/foul language at a public place and thereby committed an offence punishable u/sec 294 of the IPC?

(iii) Whether the accused person on the same date, time and place, subjected the informant's husband to criminal intimidation by threatening him to cause injury on his person and thereby committed an offence punishable u/sec 506 of the IPC?

**DISCUSSION, DECISION AND REASONS THEREOF:**

7. PW-1 being the informant deposed in her evidence that the accused is her brother-in-law and that the incident was of the year 2020. She stated that on the date of occurrence, some misunderstanding occurred between her husband/PW-2 and the accused over a domestic matter due to which there was a fight between them and that now the matter has been amicably settled between both parties. She further stated that she does not want to prosecute the accused any further and that she has no objection if the accused is acquitted. He proved Exhibit 1 as the ejahar lodged by him by identifying Exhibit 1(1) as his signature thereon.

Her cross-examination has been declined by the defence.

8. PW-2 deposed in his evidence that both the informant is his wife and the accused is his younger brother. The incident was of the year 2020. He stated that on the date of occurrence, at a misunderstanding

occurred between him and the accused over a domestic matter due to which a fight took place between them. He further stated that the instant matter has already been amicably settled between the parties and that he has nothing to say if the accused is acquitted in the instant case.

His cross-examination has been declined by the defence.

9. I have heard the arguments of the learned Asst. Public Prosecutor and the learned defence counsel. Perusal of the case record also reveals that upon submission of the learned Asst. Public Prosecutor and her prayer for closing the prosecution evidence, the prosecution evidence was closed as the informant and the victim of the instant case have already amicably settled the matter with the accused person and there is no point in dragging the case by summoning the other prosecution witnesses. From the evidence on record, it is quite clear that all the PW-1 lodged the Exhibit P-1 being the ejahar due to anger and misunderstanding arising out of a domestic matter. PW-2 being the victim of the alleged incident categorically stated in his testimony that the matter at hand has already been amicably settled with the accused person and that they have no objection if the accused is acquitted in the instant case as they do not wish to proceed any further in the instant case. None of the PWs being the victims of the alleged incident

deposed anything regarding the utterance of any foul/obscene language or any sort of criminal intimidation by the accused person at the place of occurrence. In the absence of any cogent evidence, I am not inclined to hold the accused person guilty u/sec 323/294/506 IPC.

10. Situated thus, I am constrained to hold that the prosecution has failed to establish the guilt of the accused person, namely, Sri Amarjeet Singh Negi u/sec 323/294/506 IPC beyond all reasonable doubt. As such, the points of determination are answered in the negative in favour of the accused person.

**ORDER**

11. In view of the decision made above, the accused, namely, Sri Amarjeet Singh Negi is acquitted of the offences under sections 323/294/506 IPC and set at liberty forthwith.

His bail bond shall remain in force for six months from today in compliance with section 437-A, Cr.P.C.

The case is disposed of on contest.

Given under my hand and the seal of this Court on this 24<sup>th</sup> day of February, 2022 at Dibrugarh.

Typed by: Self

Sanskrita Khanikar

Judicial Magistrate First Class

Dibrugarh

**APPENDIX**

**LIST OF PROSECUTION /DEFENCE /COURT  
WITNESSES**

**A. Prosecution:**

<b>RANK</b>	<b>NAME</b>	<b>NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)</b>
PW1	Smti.Sonia Kaur	Informant
PW2	Sri Parmeet Singh Negi	Victim

**B. Defence Witnesses,if any:**

<b>RANK</b>	<b>NAME</b>	<b>NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)</b>
DW1	Nil	Nil
DW2	Nil	Nil

**C. Court Witnesses,if any:**

<b>RANK</b>	<b>NAME</b>	<b>NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS,</b>
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		OTHER WITNESS)
CW1	Nil	Nil
CW2	Nil	Nil

**LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS**

**A. Prosecution:**

<b>Sr. No.</b>	<b>Exhibit Number</b>	<b>Description</b>
<b>1</b>	Exhibit -P1	The Ejahar

**B. Defence:**

<b>Sr. No.</b>	<b>Exhibit Number</b>	<b>Description</b>
<b>1</b>	Exhibit D-1/DW1	Nil
<b>2</b>	Exhibit D-2/DW2	Nil

**C. Court Exhibits:**

<b>Sr. No.</b>	<b>Exhibit Number</b>	<b>Description</b>
<b>1</b>	Exhibit C-1/CW1	Nil
<b>2</b>	Exhibit C-2/CW2	Nil

**D. Material Objects:**

<b>Sr. No.</b>	<b>Exhibit Number</b>	<b>Description</b>
<b>1</b>	MO1	Nil
<b>2</b>	MO2	Nil

Sanskrita Khanikar

Judicial Magistrate First Class

Dibrugarh