

DISTRICT: MORIGAON

IN THE COURT OF ADDL. CHIEF JUDL. MAGISTRATE,

MORIGAON::::::::::ASSAM.

PRC Case No. 615 of 2018

U/S 294/323/34 of IPC

PROSECUTOR: STATE OF ASSAM

-VS.-

ACCUSED: (I) SRI PRANAB NATH

(II) SRI PHUKAN CH. NATH

Present : Smti. S. Acharyya, AJS,  
Addl. Chief Judicial Magistrate,  
Morigaon.

**APPEARANCE:**

For the State : Mr. P. Hazarika, Ld. Addl. Public Prosecutor.  
For the accused person : Mr. A. Rahman & Mrs. S. B. Shah, Ld. Advocate.  
Offence explained on : 03.07.2019.  
Evidence recorded on : 07.01.2020.  
Argument heard on : 07.01.2020.  
Judgment delivered on : 09.01.2020.

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

**1.** The prosecution case in brief is that the informant Smti. Monima Devi lodged a complaint in the court stating inter alia that she had land which is mutated in the name of her husband and she sold the half portion of the land. But the accused persons intimidated her and imposed pressure upon her to sell the remaining portion of the land to them. That on 23.02.2017, when she had gone to hand over the sold land, then the accused persons abused her with obscene words and threatened to kill her and accused Phukan Nath pulled her by catching her hair. Hence the case. The complaint petition was forwarded to Mikirbheta PS for registration and investigation.

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2. On receipt of the 'ejahar' at the police station, the same was registered as Mikirbheta P.S. Case No. 100/17 and the matter was investigated upon.
3. After completion of investigation police filed a charge-sheet against the accused persons (i) Sri Pranab Nath and (ii) Sri Phukan Ch. Nath under section 294/323/34 IPC.
4. On appearance of the accused persons, they were allowed to go on bail. Relevant documents of the case were furnished to them. Upon perusal of materials on record and after hearing both sides, particular of offence under section 294/323/34 IPC has been read over and explained to the accused persons to which they pleaded not guilty and claimed to be tried.
5. The prosecution in support of its case examined two witnesses. Whereas, the defence side has not examined any witness in support of its defence.
6. The examination under section 313 Cr.P.C. of the accused persons is dispensed with as found not necessary.
7. I have heard the argument advanced by the learned counsels for both sides.
8. Upon hearing and on perusal of the record I have framed the following points for determination:
  - (i) Whether the accused persons, on 23.02.2017 at about 3.00 P.M. at Jan market of Habibarangabari under Mikirbheta PS in the Dist. of Morigaon in furtherance of common intention abused Smti. Monima Devi with filthy language and thereby committed an offense punishable U/S 294/34 of IPC?
  - (ii) Whether the accused persons, on the same date, time and place in furtherance of common intention voluntarily caused hurt to informant Smti. Monima Devi and thereby committed an offense punishable U/S 323/34 of IPC?

**DISCUSSION, DECISIONS AND REASONS FOR THE DECISIONS:**

9. For convenience of discussion and for the sake of brevity, I am discussing both the points together.

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**10.** PW1 Smti. Monima Devi, who is the informant cum victim inter alia deposed that there was quarrel between them and the accused persons and presently she has no allegation against the accused persons and she has no objection, if the accused persons are acquitted and she does not want to proceed with the case. PW1 exhibited the ejahar as Ext.1 and her signatures as Ext.1(1), Ext.1(2) & Ext.1(3).

**11.** PW2 Sri Dhiren Ch. Nath inter alia deposed that he knows nothing about the case.

**12.** I have carefully gone through the evidence on record. From the evidence it appears that PW1, who is the informant cum victim has not supported the prosecution case, as stated in the ejahar. In the result, there is no incriminating evidence against the accused persons.

**13.** In view of above discussion, the accused (i) Sri Pranab Nath and (ii) Sri Phukan Ch. Nath are acquitted of offence U/S 294/323/34 of IPC and set at liberty forthwith.

**14.** Bail bond shall remain in force for next six months.

**15.** The case is disposed of on contest.

**16.** Given under my hand and seal, today, the 9<sup>th</sup> day of January, 2020.

Dictated and corrected  
by me.

S. ACHARYYA  
Addl Chief Judicial Magistrate  
Morigaon.

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Addl Chief Judicial Magistrate  
Morigaon.

Dictation taken and  
transcribed be me.

Computer Typist.

APPENDIX:

Prosecution witness:

PW1- Smti. Monima Devi

PW2- Sri Dhiren Ch. Nath

Prosecution exhibits:

Ext.1- Ejahar.

Defence witness:

Nil.

Defence exhibit:

Nil.

Dictated and corrected  
by me.

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Addl Chief Judicial Magistrate  
Morigaon.

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