

**IN THE COURT OF CHIEF JUDICIAL MAGISTRATE,  
UDALGURI, BTAD: : ASSAM.**

**G.R. CASE NO. 262 of 2019**  
(PRC NO. 340/2019)

**Present: Sri Mridul Kumar Saikia.  
Chief Judicial Magistrate,  
Udalguri, BTAD, Assam.**

**STATE**

**-VS-**

**SRI PRIYATAM MAZUMDAR**

**-----Accused.**

**For the Prosecution : Mr. M. Khakhlari, Ld. Addl. P.P.**

**For the Defence : Mr. M.C. Narzari, Ld. Advocate.**

**Date of Prosecution Evidence : 12-03-2020.**

**Date of Argument & Judgment : 12-03-2020.**

**U/S- 447/294/506 I.P.C.**

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

1. The fact of the prosecution case, in brief, is that on 21-03-2019, complainant Sri Nupur Ranjan Baruah of Ward No.4 Tangla town under Tangla Police Station lodged an ejahar before the Officer-in-Charge, Tangla Police Station stating inter-alia that on 20-03-2019 at about 7-30 P.M. while he was in his shop at Tangla town, the accused Sri Priyatam Mazumdar came to his shop in alcoholic and with ulterior motive, committed vandalism by abused him using indecent words and when he was tried to restrain from further chaos, he threatened the complainant with dire consequences stating that he would get end of his life. It is also stated that the accused often created such displeasing surrounding polluting the whole environment with intent to cause harm to his business.

2. On receipt of the ejahar to the effect aforesaid, Tangla P.S. case no. 37 of 2019 U/S 447/294/506 I.P.C. was registered and on completion of the investigation the I.O. submitted charge-sheet against the accused Sri Priyatam Mazumdar alleging commission of the offence U/S 447/294/506 I.P.C.
3. On the basis of the charge sheet, cognizance of offence was taken under Section **190 (1)(b)** of the Cr.PC. The processes were issued for causing appearance of the accused person before the Court. Accordingly, the accused appeared before the Court to answer the charges levelled against him and the necessary copies of all relevant papers and documents were furnished to the accused in compliance with the provisions of Section 207 CrPC. Finding a prima-facie case for commission of offence, the particulars of offence U/S 447/294/506 I.P.C. were read over and explained to the accused to which the accused pleaded not guilty and claimed to stand trial.
4. In order to bring home the charge, the prosecution examined as many as two Pws including the complainant in the form of:

PW 1 – Sri Nupur Ranjan Baruah(Complainant)

PW 2 – Sri Ranjan Sarma.

Prosecution has exhibited the document ejahar Ext. 1.

5. After recording the prosecution witnesses the accused was examined U/S 313 Cr.P.C. All the incriminating circumstances which appeared in evidence against the accused were put to him for his explanation. The accused denied all the circumstances and pleaded his innocence. Further the accused declined to adduce any evidence in defence.
6. I have heard the argument put forward by the learned Additional P.P. and the learned advocate appearing for the accused person. I have also carefully gone through the entire evidence available with the case record.
7. **POINTS FOR DETERMINATION** :To ascertain the guilt of the accused on the charges levelled against him, the following points are sorted out for decision in the present case:

(I) Whether on 20-03-2019 at about 7-30 P.M. at Tangla town under Tangla Police Station the accused criminally trespassed into the shop of the complainant and annoyed him?

**(II)** Whether on the same day at the same time and place the accused abused the complainant with indecent words?

**(III)** Whether on the same day at the same time and place the accused threatened the complainant with dire consequences?

**DISCUSSION, DECISION AND REASONS THEREOF:**

8. Now, let us scrutinize the evidence on record. The vital witness PW1 Sri Nupur Ranjan Baruah, who is the informant of this case, stated in his deposition that the accused was known to him and on the relevant day of occurrence at about 7 P.M. the accused went to his office in drunken state and hence he chased him out. Then he thought that the accused would file case against him and hence, he, due to misunderstanding, lodged this instant case against the accused. Presently, they are living peacefully. He expressed his unwillingness to proceed with the case further against the accused. He has proved his ejahar Ext. 1 by identifying his signature Ext. 1(1) thereon.
9. During cross-examination PW 1 stated that he has no objection if the accused gets acquitted in this case.
10. PW 2 Sri Ranjan Sarma stated that in the year 2019 one day at about 7 P.M. the accused came to their office in drunken state and the complainant got him out from their office and presuming to file any case against him by the accused, due to this misunderstanding, the complainant filed this instant case against this accused.
11. During cross-examination PW 2 stated that he has no objection if the accused gets acquitted in this case.
12. From the above testimonies of the witnesses, it is found that the facts of the ejahar is quite dissimilar with the versions of the PWs. The complainant's version is that the accused entered inside their office at about 7 P.M. in alcoholic and hence they got him out from their office to which his intuition was that the accused would file case against him and hence, the complainant, prior the accused, filed this instant case against the accused. So, from the version of the complainant, it is clear that he lodged the ejahar against the accused due to misunderstanding only. From the cross versions of both the prosecution witnesses, we find that they have no objection if the accused gets acquitted in this case. The alleged fault on the part of the accused was that he was in

drunken state. Except that, none of the PWs have made fuss about any other allegations committed by the accused i.e. abusing or threatening the complainant. Hence, we are of the opinion that this case purely arose out of misunderstanding only and none of them have incriminated the accused with the alleged offences.

13. From the above appraisal, appreciation of evidence on record, and the application of law, I find that the prosecution has failed to establish the offences U/S 447/294/506 I.P.C. against the accused beyond all reasonable doubt. In the result, the accused is not found guilty U/S 447/294/506 IPC. Accordingly, the accused Sri Priyatam Mazumdar is acquitted from the charges U/S 447/294/506 IPC on benefit of doubt and he is set at liberty forthwith.
14. Bail bond shall remain in force for next 6 months as per provisions of Section 437(A) CrPC.

Given under my hand and seal of this Court on this 12<sup>th</sup> day of March, 2020 at Udalguri, BTAD, Assam.

**Dictated and corrected by me:**

**(Mridul Kumar Saikia)**  
Chief Judicial Magistrate.  
Udalguri, BTAD, Assam.

**(Mridul Kumar Saikia)**  
Chief Judicial Magistrate  
Udalguri, BTAD, Assam.

**APPENDIX**

- A. Prosecution witnesses : PW1 Sri Nupur Ranjan Baruah  
PW 2 Sri Ranjan Sarma
- B. Defence witness : Nil.
- C. Documents exhibited : Ext. 1 – Ejahar.

**(Mridul Kumar Saikia)**  
Chief Judicial Magistrate  
Udalguri, BTAD, Assam.

Transcribed and typed by me:

(Tulashi Dev Sarma/Stenographer).