

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

G.R. Case No: 3960/2018

Under sections 420, 294 and 506 r/w sec 34 of Indian
Penal Code

State of Assam

v.

- 1. Sri Karam Munda**
- 2. Sri Amrit Kandalana**
- 3. Sri Rahul Bhengra**
- 4. Sri Abhi Munda**
- 5. Sri Rabi Linda**

.....accused persons

PRESENT: DEEPSIKHA DAS, A.J.S

Appearing for the state: Ld APP Smti Gopa Chakraborty

Appearing for Defence : Ld Sri Purananda Hiloidhari

Evidence recorded on : 7/1/2022

Arguments heard on : 7/1/2022

Judgment delivered on : 7/1/2022

JUDGMENT

Case of the prosecution

- 1.** The case of the informant/victim Pappa Mazumdar as reflected in the ejahar in brief is that on 21/10/2018, at about 2.00 pm, five Nauholia Jutulbari residents namely Sri Karam Munda, Sri Amrit Kandalana, Sri Rahul Bhengra, Sri Abhi Munda and Sri Rabi Linda came to his hotel and had had sweets and tea in his shop without paying a penny and also used obscene words against him. They threatened him to cut into pieces if he visits Jutulbari. Hence the case.

- 2.** The ejahar was registered as Duliajan P.S. Case No. 405/2018 under sections 420, 294, 506 r/w 34 IPC. The police after investigation submitted charge sheet against the accused person under sections 420, 294, 506 r/w 34 IPC.

- 3.** This Court took cognizance under sec 190(b) CrPC and issued summons to the accused under sec 204 CrPC. Accused Sri Karam Munda Sri Amrit Kandalana, Sri Rahul Bhengra, Sri Abhi Munda and Sri Rabi Linda have appeared and were allowed to go on bail. Copies of relevant documents were

furnished to them as per section 207 CrPC. The particulars of offences under section 506 r/w sec

4. 34 IPC were explained and read over to them, to which they pleaded not guilty and claimed to be tried.
5. Trial commenced. The prosecution examined only 1(one) witness that is the informant. The statement of the accused person under section 313, CrPC was dispensed with as there was no incriminating material. I have heard both sides and perused the evidence on record.
6. Heard the arguments advanced by the Learned Counsel appearing for the informant and the accused.

Points for determination

7. i)Whether the accused persons, in furtherance of their common intention, had on 21/10/2018, criminally intimidated the informant and thereby committed offence punishable under section 506 read with sec 34 of IPC?
8. Now let me discuss the materials on record and try to arrive at a definite finding as regards the points for determination.

DECISION AND REASONS THEREOF:

- 9.** To arrive at a judicious decision, the materials on record, including the evidence recorded is gone

through carefully, in the light of submission heard and appreciated as follows—

- 10.** In his evidence, pw1 namely Sri Pappa Mazumdar, stated that there was only an altercation between the accused persons and the informant. He filed the case due to misunderstanding and now situation is better and they have settled the matter between them.

In his cross examination he stated that he wanted to deviate from what was stated by him earlier. He does not have any objection if the accused is acquitted in the instant case.

- 11.** Situated thus, from the scrutiny of record in absence of any incriminatory material against the accused, it can be inferred that the accused did not commit any offence as alleged in the ejahar. Thus, in view of the above testimony of pw1 (informant), I find no ground to hold the accused person guilty of the alleged offences.

ORDER

- 12.** Accordingly, the accused persons namely, Sri Karam Munda Sri Amrit Kandalana, Sri Rahul

Bhengra, Sri Abhi Munda and Sri Rabi Linda are acquitted of the offences punishable under sections 506 of the Indian Penal Code and set at liberty forthwith.

- 13.** The bail bond furnished, shall remain in force till six months from today, as required under sec 437A CrPC.
- 14.** The case is disposed of on compromised.
- 15.** Given under my hand and seal of this Court on this 7/1/2022.

Deepsikha Das
Judicial Magistrate First Class,
Dibrugarh

Appendix

Prosecution Witnesses:

PW-1: Pappa Mazumdar

Defence Witnesses: None.

Prosecution Exhibits:

Annexure 1: Ejahar

Defence Exhibits None.

Deepsikha Das
Judicial Magistrate First Class,
Dibrugarh