

**:::IN THE COURT OF CHIEF JUDICIAL MAGISTRATE:::**  
**:::DIBRUGARH:::**

**Present: SMTI. MONALISSA DAS, CJM, DIBRUGARH**

**Dated: 18.07.2022**

**G.R. Case No. 2015/2020 (PRC 1012/2020)**

**Charge: u/s 294/506 of IPC**

**Dibrugarh P.S. FIR No. 911 OF 2020**



COMPLAINANT	STATE OF ASSAM
REPRESENTED BY	SMTI. GAYATRI PHUKAN, Addl. Public Prosecutor
ACCUSED	1. Md Sarif (A1) S/O: Late Md Hanif R/O: Loharpatty Gali No 3, Dibrugarh P.S. Dibrugarh DIST. Dibrugarh
REPRESENTED BY	Nisar Ahmed Ld. Advocate for the defence

  
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Date of Offence	Not noted
Date of FIR	09.06.2020
Date of Charge sheet	30.06.2020
Date of Framing of Charges	15.07.2022
Date of Commencement of evidence	18.07.2022
Date on which judgment is reserved	18.07.2022
Date of Judgment	18.07.2022
Date of Sentencing Order, if any	None



Rank of the Accused	Name of Accused	Date of arrest	Date Released on bail	Offences charged with	Whether Acquitted or convicted	Sentence Imposed	Period of detention Undergone during Trial for purposed of Sec. 428 Cr.P.C.
A1	Md Sarif	None	19.05.2022	294/506 of IPC	Acquitted	N/A	None

## **JUDGMENT**

1. The brief of the Prosecution is that the accused father of the informant has been uttering obscene words to the informant and even disconnected the electricity connection to his house for which his family is suffering and his son could not study. Hence the FIR.

2. On the basis of the FIR, lodged by the informant, O/C, Dibrugarh P.S. registered a case as Dibrugarh P.S case no.

  
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911 of 2020 U/S 294/506 of IPC. ASI Ranjan Phukan conducted investigation of the case and filed charge-sheet against the accused Md Saif under sections 294/506 of IPC.

**3.** The accused person appeared in this case. Copies were furnished to him under section 207 Cr PC. Considering the materials available on record and on hearing both the sides, particulars of offence under sections 294/506 of IPC is read over and explained to the accused to which he pleaded not guilty and claimed to be tried.

**4.** During trial, prosecution side examined 1 (one) witnesses in this case. The Prosecution submitted for closure of the prosecution evidence. On submission, evidence was closed. Statement of defence of the accused u/s 313 Cr.P.C. was dispensed with. Defence declined to adduce evidence. Heard arguments advanced by the learned Addl. P.P. and Learned counsel for the accused persons.

**5.** I have heard the learned counsel for the accused and Learned Addl. P.P for the State. Having heard both the sides and after perusing the materials and evidence available on record, the following point arose for determination in this case.

  
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## **6. Points for determination**

I. Whether the accused uttered obscene words to the informant on a public place in order to annoyance of others and thereby committed an offence punishable U/s 294 of IPC?

II. Whether the accused criminally intimidated the informant with dire consequences and thereby committed an offence punishable U/s 506 of IPC?

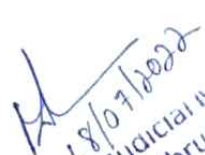


## **DECISIONS, DISCUSSIONS AND REASONS THEREOF.**

7. PW 1 (Md Jamshed) has deposed in his evidence that the accused is his father and on the day of the incident they had a hot altercation and out of misunderstanding he lodged this case against the accused. Exhibit P1/PW 1 is the FIR. Exhibit P1(1)/PW 1 is his signature. At present he is not desirous to proceed further in the instant case as the matter was amicably settled between them.

During cross-examination of PW 1 he deposed that he has no objection if the accused gets acquitted.

8. From the above evidence of PW 1, it is found that no material against the accused under section 294/506 of IPC exists. PW 1 lodged this case due to some misunderstanding against the accused and has amicably settled the matter

  
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with the accused. He does not have any objection if the accused gets acquitted from the case. Considering therefore the quality of evidence of PW1 this Court finds the accused person not guilty and acquit him of offence under section 294/506 of IPC.



  
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**ORDER**

In the light of the above discussions, the accused **Md Sarif** is acquitted of offences U/s 294/506 of IPC as prosecution has failed to prove its case beyond reasonable doubt and set at liberty forthwith.

The bail bond shall remain in force for 6 (six) months from today.

Judgment is prepared in separate sheets and tagged with the case record.

Given under my hand and seal of this court on this 18<sup>th</sup> day of July, 2022.



*M*  
*18/07/2022*  
**(Smti. Monalissa Das)**  
Chief Judicial Magistrate,  
Dibrugarh.

## APPENDIX

### LIST OF PROSECUTION/DEFENCE/COURT WITNESSES

**A. Prosecution:**

RANK	NAME	NATURE OF EVIDENCE
PW1	Md Jamsud	PROSECUTION WITNESS

**B. Defence Witnesses, if any:** NONE.

**C. Court Witnesses, if any:** NONE.

### LIST PROSECUTION/DEFENCE/COURT EXHIBITS:

**A. Prosecution:**

Sl. No.	Exhibit Number	Description
1.	Exhibit P1/PW 1	FIR
2.	Exhibit P1(1)/PW1	Signature of PW 1

**B. Defence:** NONE.

**C. Court Exhibits:** NONE.

**D. Material Objects:** NONE.



*[Handwritten Signature]*  
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**CJM, Dibrugarh**  
Chief Judicial Magistrate  
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