

IN THE COURT OF THE CHIEF JUDICIAL MAGISTRATE,::::::BONGAIGAON

GR. NO- 849/2016

U/S- 294/448/323 IPC.

STATE

-VS.-

Sri Karmeswar Majumdar

.....Accused

Present:-

Sri B. Sutradhar, A.J.S.

Chief Judicial Magistrate,

Bongaigaon

Appeared:-

For the State: Smt. R. Choudhury Ld. Addl. P.P.

For the accused: Mr. H. Das Ld. Advocate.

Date of evidence: 1-4-17

Date of argument: 1-4-17

Date of judgment: 3-4-17

J U D G M E N T

1. The brief case of the prosecution is that on 31-8-16 the informant Smt. Anita Majumdar lodged an ejahar before the O/C Manikpur PS alleging that on 30-8-16 at 9.30 P.M. the accused person in conspiracy with others abused her with obscene language and while she protested, the accused person caught her hand and taken inside the house. She was badly assaulted causing grievous injuries on her head. The accused person also threatened with dire consequences.

Hence the case.

2. On receipt of the ejahar O/C Manikpur P.S. registered a case vide No 256/16 and the matter was duly investigated into.

3. On completion of the investigation I/O submitted charge-sheet against the accused person. In due course the accused person appeared before the court and he

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was allowed to go on bail. Copies were furnished and the particulars of the offences u/s 294/448/323 I.P.C. were read over and explained to the accused person and to which he pleaded not guilty and claimed to be tried. During the course of evidence, the prosecution side examined one witness and declined to adduce any other evidence. Accordingly, the evidence was closed. The examination of the accused person U/S 313 Cr.P.C. was dispensed with as found not necessary. Heard the arguments of both sides.

The point for determination is:

4. Whether the accused person abused the informant with obscene language, entered into her house unlawfully and voluntarily caused hurt as alleged in the ejahar?

Decision and reasons thereof:

5. The P.W.1 Smt. Anita Majumdar who in her evidence deposed that accused is her brother-in-law. About 8 months back, on a day accused person raised altercation regarding domestic matter and also pushed and elbowed her and as such she lodged the case.

In cross-examination she deposed that the case was lodged due to misunderstanding. The matter has been amicably settled up between them. She is not interested to proceed with the case by adducing any further evidence and she has no objection if the accused person is acquitted.

6. Now, on going through the above evidence on record, it appears that the vital witness of the case has not supported the case rather she stated that the matter has been amicably settled up between them. In view of above, I find no evidence to hold the accused person guilty for the offences as charged.

7. Accordingly, I am of the opinion that the prosecution side has failed to prove the case. In result the accused person is acquitted from the charges U/S 294/448/323 I.P.C and set him at liberty. The bail bond shall remain in force till next six months.

8. The case is disposed of on contest.

Given under my hand and seal of this court on this **3rd day of April, 2017**

Chief Judicial Magistrate
Bongaigaon.