

**IN THE COURT OF SUB-DIVISIONAL JUDICIAL MAGISTRATE (M),
BILASIPARA.**

GR 629 of 2016
U/S 447/294/506 I.P.C.

STATE OF ASSAM.....PROSECUTION SIDE.

-Versus-

1. SHAMFUL BIBI
2. JASHO
3. JAHURA BIBI.....DEFENCE SIDE.

PRESENT: - SMTI SANGITA HALOI, AJS
Sub Divisional Judicial Magistrate (M),
Bilasipara.

COUNSELS:

FOR the Prosecution: - MR SOHRAB ALI SEIKH, Ld. ADDL. PP.

FOR the Defence:- MR HABIBAR RAHMAN, Ld. Counsel.

EVIDENCE recorded on: - 29.11.18 & 04.10.19.

STATEMENT DEFENCE recorded on:- 18.11.2020.

ARGUMENT heard on: – 18.11.2020.

JUDGMENT delivered on: – 18.11.2020.

J U D G M E N T

1. THE PROSECUTION STORY as unfolded by the ejahar filed by Sri Bhanu Talukdar is that on 19.04.2016 at 12 Noon the accused persons illegally damaged his boundary fencing of jute cultivation. On that matter while his wife Sumiran Bibi went to ask about it the accused persons used slang language against her and chased his wife with lathi, rod, dao etc. Somehow his wife saved her life. The accused persons threatened her with the fear of death. Hence, he filed this case.

2. On receipt of the FIR, Bilasipara P.S Case No.406/16 u/s 143/447/294/427/506 I.P.C. was registered and the I/O investigated into the

case. Subsequently charge sheet was filed u/s 447/294/506 IPC against the accused persons.

3. After receipt of Charge-sheet cognizance was taken against the charge sheeted accused persons under above-mentioned sections. After appearance of accused persons they were released on bail and on hearing Id. counsels for both sides, after compliance with S.207 Cr.P.C particular of offence u/s 447/294/506 I.P.C were read over and explained to the accused persons to which they pleaded not guilty and claimed to be tried. Prosecution examined only 3(three) witnesses in support of this case. The evidence of the prosecution side closed. Statement of the accused persons are recorded u/s 313 Cr.P.C. where defence took the plea of complete denial and denied to adduce evidence.

Points for Determination

I. **Whether accused persons on 19.04.2016 at 12 Noon at Fakiranihar Pt-I under Bilasipara PS entered into the jute cultivation land of the informant and thereby committed an offence punishable u/s 447 I.P.C?**

II. **Whether accused persons on same date, time and place uttered obscene language against the wife of the informant and thereby committed an offence u/s 294 I.P.C?**

III. **Whether the accused persons on the same date, time and place threatened the wife of the informant and thereby committed an offence u/s 506 IPC?**

4. Heard Id. Counsels for both sides. Perused evidences on record. My decisions with reasons on the above framed points are as follows:-

DISCUSSION, DECISION AND REASONS THEREON

5. **PW1, Bhanu Talukdar** deposed that he is the informant in this case. 4/5 months ago you along with Shamful and Jahura Bibi cut away the boundary fencing. His wife Somiran went there and asked as to why you cut the fencing. Upon that you along with Shamful Bibi and Jahura Bibi cahsed away his wife. He was not at home at that time. He has put thumb impression on the FIR.

In his cross-examination he has stated that he came to know about it after he returned home. They have not scolded him. He has not seen anything.

Q.2.PW.2 Soleman Talukdar deposed that he knew the informant. He knew nothing about the incident.

6. CW1, Somiran Bibi has deposed that informant is her husband. She had verbal altercation with accused persons out of boundary fencing and then informant filed this case out of anger.

7. From the evidence of the PW.1, PW.2 & CW.1 it appears that they did not support the contents of the FIR. They remained totally silent regarding any sorts of torture caused by the accused, instead they said the case was the result of boundary fencing.

8. Accordingly in view of above discussion I am of the opinion that Prosecution has failed to prove charge against the accused persons u/s 447/294/506 IPC beyond reasonable doubt. Hence, the accused persons are acquitted of above charge and they are set at liberty forthwith. Bail bond of the accused persons to remain in force for six months.

9. Given under my hand and seal of this Court on this the 18th day of November, 2020.

(Smti. Sangita Haloi)

SDJM(M), Bilasipara.

APPENDIX

Prosecution Witnesses:-

PW.1 :- Bhanu Talukdar

PW.2 :- Soleman Talukdar

Prosecution Exhibits:-

Nil

Defence Witnesses & Exhibits:-

Nil

Court Witnesses:-

CW.1 Somiron Bibi

(Smti. Sangita Haloi)

SDJM (M), Bilasipara.