

PRC No. 48/2020

**IN THE COURT OF ADDITIONAL CHIEF JUDICIAL MAGISTRATE,
NALBARI**

PRC NO: 48 of 2020

Under section 448/294/506 of IPC.

State

-Versus-

Sri Karuna Haloi.....Accused Person

**PRESENT : Sri Jayanta Kumar Saikia, AJS
Addl. CJM,Nalbari**

ADVOCATES APPEARED-

FOR THE PROSECUTION : Sri Arjun Barman

FOR THE ACCUSED : Sri Pranab Goswami

CHARGE FRAMED ON: 20-11-2021

EVIDENCE RECORDED ON: 18-01-2022

ARGUMENT HEARD ON: 18-01-2022

JUDGMENT DELIVERED ON: 18-01-2022

JUDGMENT

PRC No. 48/2020

- 1.** The prosecution case sets into motion by filing a FIR by the informant, Sri Pankaj Maskara stating that the accused Sri Karuna Haloi trespassed into his shop with a 'dao' in his hand and threatened him with obscene words. Hence, he has lodged this case.
- 2.** The Officer-in-charge, Nalbari Police station, on receipt of the Ejahar registered Nalbari P.S. Case No. 868/2019, under section 448/294/506 of IPC and endorsed the concerned I/O for investigation. After completion of the investigation, the concerned I/O submitted charge sheet against the accused person, Sri Karuna Haloi under Section of 448/294/506 of IPC.
- 3.** In due course, the accused person appeared before the Court and the copies of relevant documents were furnished to him as per section 207 of CrPC. Having found a prima facie case against the accused person, the particulars of offence, under Section 448/294/506 of IPC are read over and explained to him vide order dated 20-11-2021 to which he pleaded not guilty and claimed to be tried.
- 4.** The prosecution, in support of its case, examined only one (01) witness who is the informant of the case. The Learned Assistant Public Prosecutor prayed to close the PW evidence as the principal witness, who is the informant of the case does not support the prosecution case.
- 5.** The statement of the accused person under section 313 of CrPC is dispensed with as there are no incriminating materials found against the accused person. Defence side examined no witnesses.

PRC No. 48/2020

- 6.** I have heard the arguments advanced by the learned counsels for both sides.

7. POINTS FOR DETERMINATION:-

- (i) Whether on 29-11-2019 at 2.10 PM, at stationery shop of the informant namely Sri Pankaj Maskara, situated at Ward No. 5, Nalbari Town, under the jurisdiction of Nalbari PS, the accused namely Sri Karuna Haloi criminally trespassed into the shop house of the informant to commit criminal intimidation and thereby commit an offence u/s 448 of IPC ?
- (ii) Whether on same day at same time at same place the accused criminally intimidated the informant namely Sri Pankaj Maskara and thereby committed an offence u/s 506 of IPC ?
- (iii) Whether on same day at same time at same place the accused uttered obscene word to the informant namely Sri Pankaj Maskara and thereby committed an offence u/s 294 of IPC ?

DISCUSSION, DECISION AND REASONS THEREOF:

- 8.** PW-1, Sri Pankaj Maskara, informant and victim of the case stated that he has a stationery shop and accused was his customer. He lodged this case due to misunderstanding and they have amicably

PRC No. 48/2020

settled their dispute. He does not want to pursue with the case. His evidence reveals that he has no allegation and grievance against the accused.

9. The evidence of PW-1 clearly shows that he has no allegation against accused and the case is registered due to misunderstanding. Situated thus, in my considered opinion the prosecution side has failed to bring home the guilt of the accused person Sri Karuna Haloi under section 448/294/506 of IPC as the informant of the case did not support the prosecution story. No incriminating material is found in the evidence of the PW against the accused.

ORDER

In the light of aforesaid discussions and reasons, it is seen that the prosecution side failed to prove the guilt of the accused person.

Accordingly, the accused person, Sri Karuna Haloi is acquitted from the offence under section 448/294/506 of IPC and he is set at liberty forthwith.

The bail bond of the accused person and his surety shall remain in force for a period of 6 months from today as per amended CrPC.

Given under my hand and seal of this court on this 18th of January, 2022.

PRC No. 48/2020

Sri Jayanta Kumar Saikia
Addl. CJM
Nalbari

PRC No. 48/2020

PRC Case No-48 of 2020

APPENDIX

PROSECUTION EXHIBITS:

NIL

DEFENCE EXHIBITS

NIL

PROSECUTION WITNESSES

PW-1: Sri Pankaj Maskara (informant)

DEFENCE WITNESSES

NONE

MATERIAL EXHIBITS

NIL

Sri Jayanta Kumar Saikia
Addl. CJM
Nalbari