

P.R.C no. 1432/2019

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

P.R.C no. 1432/2019

u/s 294/323/34 I.P.C

State of Assam

-Vs-

(i) Kamal Bezbaruah,

(ii) Beauty Bezbaruah....Accused  
persons

**PRESENT:** K.C Boro, A.J.S.

**ADVOCATES APPEARED:**

For the state : Mr. D. Talukdar, Ld. A.P.P,

For the accused : Mr. Paban Das, Ld. Advocate,

Dates of evidence : 14/12/2021.

Date of argument : 27/01/2022.

Date of judgment : 27/01/2022.

## **J U D G M E N T**

### **PROSECUTION CASE:**

1.The prosecution case in brief as unfolded from the 'ejahar' dated 24/06/2019 filed by the informant Anjali Bezbaruah is that on 21/06/2019 at about 1:30 pm, the FIR named accused persons namely Kamal Bezbaruah and Beauty Bezbaruah scolded her with obscene language and assaulted her with slaps and blows and accused Beauty Bezbaruah hit her with a silver sauce over her head and caused severe injury to her. At that time when her son Jyotish Bezbaruah tried to intervene the situation the accused persons grabbed his neck and assaulted him with slaps and blows. The accused persons also assaulted her husband Shankar Seal. As she was busy in treatment there was delay in filing the ejahar. Hence the case.

2.The said 'ejahar' was received and registered as Nalbari P.S case no. 412/19 u/s 294/325/323/34 I.P.C. After completion of investigation charge-sheet no. 280/19 dated 31/07/19 was submitted against accused persons Kamal Bezbaruah and Beauty Bezbaruah u/s 294/323/34 I.P.C. Copy was furnished to the accused persons. Particulars of offence and substance of accusation were read over and explained to the accused to which they pleaded not guilty and claimed to be tried.

**3.POINTS FOR DETERMINATION:**

(I) Whether on 21/06/2019 at about 1:30 pm, the accused persons in furtherance of common intention uttered obscene language in or around any public place to the annoyance of the informant and thereby committed an offence u/s 294/34 I.P.C?

(ii) Whether on 21/06/2019 at about 1:30 pm, the accused persons in furtherance of common intention voluntarily assaulted the informant and her family members and caused hurt to them and thereby committed an offence u/s 323/34 I.P.C?

**4.DECISION AND REASONS THEREOF:**

The prosecution examined the informant as PW1 while the defence declined to adduce any evidence. The statement in defence of the accused persons u/s 313 Cr.P.C was dispensed with. I have heard the arguments advanced by learned counsels of both the sides and also perused the evidence available on record; my findings with reasons are as follows:

5.PW1 who is the informant of the instant case deposed that she has amicably settled the matter with the accused persons and that she has no grievances with the accused persons.

6.From the above evidence on record, it appears that informant did not implicate the accused persons with

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the alleged offence. From the evidence of informant it appears that they have compromised the dispute. The offence under section 294, 323 IPC is compoundable.

7.Considering all aspect of the fact and circumstances of the case, I am of the opinion that prosecution failed to prove the charge against the accused persons and hence the accused persons Kamal Bezbaruah and Beauty Bezbaruah are acquitted from the charges u/s 294/323/34 IPC and set at liberty forthwith.

8.Bail bonds executed by the accused persons and surety are discharged.

9.Judgment is pronounced in open court. The case is disposed of on contest.

10.Given under my hand and seal of this court on this 27<sup>th</sup> day of January, 2022.

Chief Judicial

Magistrate

Nalbari

**APPENDIX**

**Prosecution witness:**

PW 1- Anjali Bezbaruah (Informant),

**Prosecution Exhibits:**

Exhibit 1 - Ejahar,

Exhibit 1(1) - Signature of informant,

**Defence witnesses :**

Nil

**Defence Exhibits :**

Nil

Chief Judicial

Magistrate,  
Nalbari