

**In the Court of Sub-Divisional Judicial Magistrate (S), Kokrajhar**

G.R. Caseno. 963/13  
u/s-293/323/34 I.P.C.

State

v.

Sunil Nath & Others

----- Accused

Present- P. A. Choudhury.  
Sub-Divisional Judicial Magistrate (S),  
Kokrajhar.

Advocates appeared:

A.P.P. -----For the State  
Mr. N. Roy -----For the accused.

Evidence recorded on --- 15-10-2014

Argument heard on----- 15-10-2014

Judgment delivered on— 15-10-2014

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

1. The Prosecution case in brief is that on 17-10-2013, one Suman Mazumdar lodged an FIR before the officer in charge, Fakiragram Police Station alleging inter-alia that on 14-10-2013 at about 3 pm while he along with others were proceeding towards 'Fakiragram Bisarjan Ghat' for the purpose of 'Pratima Bisarjan', the accused persons uttered obscene words to them and also physically assaulted them with lathi etc as a result of which they sustained injuries.
2. On receipt of FIR, Fakiragram P.S. Case No. 83/13 u/s-294/323/325/506/34 IPC was registered and investigated into. On completion of investigation, investigating officer of the case submitted charge-sheet against the accused person u/s-294/323/34 IPC.
3. In pursuance of court process, the accused persons appeared before the court and were allowed to go on bail. Copy was furnished to them and particulars of offences u/s-294/323/34 IPC read over and explained to them to which they pleaded not guilty and claimed to be tried. Prosecution side examined three PWs. Examination of the accused persons u/s-313 CrPC was dispensed with as no incriminating material came out against them during evidence.
4. I have gone through the evidence carefully, perused the case record and heard the argument of both sides.

Points for determination:

5.

- (1) Whether on 14-10-2013, the accused persons in furtherance of their common intention uttered obscene words to the complainant and other people who were proceeding towards Bisarjan Ghat at about 3 pm?
- (2) Whether on 14-10-2013, the accused persons in furtherance of their common intention, caused simple hurt to the complainant and other people by assaulting them physically with lathi etc.?

Discussion, decision and reason therefore:

1. PW1 Suman Mazumdar i.e. the complainant of this case stated in his evidence that on the date of occurrence only a minor scuffle took place between him and the accused persons. He also stated that nobody sustained injury in that scuffle. Later on, he lodged a complaint against the accused persons. Prosecution exhibited the ejahar as Ext-1 and the signature of complainant as Ext-1(1). In his cross-examination, PW1 admitted that at present he is in good terms with the accused persons. PW2 Gopal Mandal and PW3 Sumit Mallik also stated in their evidence that at the time of occurrence some quarrel took place between them and the accused persons.
2. Thus not a single PW stated anything regarding uttering of obscene words by the accused persons or physically assaulting the PWs on the date of occurrence. It appears that the accused persons have been falsely implicated in the instant case for the alleged offences. From the evidence of PWs, who are the complainant as well as victims of this case, no materials of offence u/s-294/323/34 IPC could be found against the accused persons. PW1 clearly admitted that nobody got injured in the scuffle that took place between them and the accused persons. Thus no offence u/s-294/323/34 IPC could be proved against the accused persons. As such the accused persons are acquitted of all the charges and set at liberty. Bail-bonds stand cancelled, surety is discharged.

Judgment is pronounced in the open court.

Given under my hand and seal of this court on this 15<sup>th</sup> day of October 2014.

P.A.Choudhury  
Sub-Divisional Judicial Magistrate (S), Kokrajhar

APPENDIX

List of witnesses-

Prosecution Witnesses:

1. PW-1 -----Sri Suman Mazumdar
2. PW-2 -----Sri Gopal Mandal
3. PW-3 -----Sri Sumit Mallik

List of Exhibits-

1. Ext-1- Ejahar
2. Ext-1(1)- Signature of complainant

P.A.Choudhury  
Sub-Divisional Judicial Magistrate (S), Kokrajhar