

**IN THE COURT OF CHIEF JUDICIAL MAGISTRATE,  
UDALGURI : : ASSAM.**

**G.R. CASE NO. 834 of 2020  
(PRC NO. 69/21)**

**U/S- 294/506 I.P.C.**

**Present: Smti. Ranjita Agarwalla,  
Chief Judicial Magistrate,  
Udalguri, Assam.**

**STATE**

**-VS-**

**MD. RABBUL ISLAM**

**----- Accused.**

**For the Prosecution : Mr. M. Khakhlari, learned Addl. P.P.**

**For the Defence : Mr. Mofijur Rahman, learned Advocate.**

**Date of Prosecution Evidence : 08-12-2021.**

**Argument heard on : 08-12-2021.**

**Judgment delivered on : 08-12-2021.**

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

1. The brief facts of the prosecution case are that on 05-08-2020 one written ejahar was lodged by Md. Kadir Ali, S/o Mohammad Ali, resident of village Dhupguri under Orang Police Station before the Officer-in-Charge, Orang Police Station stating inter-alia that on the same day at about 12 noon when he went to purchase the government subsidy goods i.e. rice and gram from the fair price shop belonging to one Md. Abdul Jalil at Dhupguri village, the accused namely Md. Rabbul Islam, with intent to give less amount of this fair price

items, indulged in a quarrel with him, abused him with filthy language and slapped, kicked and gave fist blows by strangulating his neck for which he sustained injuries on his cheek and neck. The accused also snatched away his mobile phone and tried to damage it. Hence, he lodged this case praying for taking necessary action against the accused.

2. After receiving the ejahar to the effect aforesaid, the Officer-in-Charge, Orang PS case no. 76/20 was registered U/S 294/325 I.P.C. and on completion of the investigation, the Investigating Officer submitted the charge sheet against the accused person alleging commission of offences U/S 294/506 I.P.C.
3. On the basis of the charge sheet, cognizance of offence was taken under Section **190 (1)(b)** of the Cr. PC. The processes were issued for causing appearance of the accused persons before the Court. Accordingly, the accused appeared before the Court and on his appearance necessary copies of all relevant papers and documents were furnished to him. Finding a prima-facie case for commission of offences, the particulars offences U/S 294/506 of I.P.C. were stated and explained to him to which the accused pleaded not guilty and claimed to stand trial.
4. In order to bring home the case, the prosecution examined only one(1) PW in the form of:

**PW 1 Md. Kadir Ali (informant)**

The prosecution has also exhibited the following document in the form of:

**Ext. 1 Ejahar.**

5. After recording the prosecution witness the accused person is exempted from recording his statement U/S 313 Cr.P.C. as not implicated. Further the accused person declined to adduce any evidence in defence.
6. I have heard the argument put forward by the learned Additional P.P. and the learned advocate appearing for the accused person. I have also carefully gone through the entire evidence available with the case record.
7. **POINTS FOR DETERMINATION OF THE CASE:**

(I) Whether on 05-08-2020 at about 12 noon at village Dhupguri under Orang Police Station the accused person uttered obscene words to

the informant Md. Kadir Ali which caused annoyance to others and thereby committed an offence punishable U/S 294 of I.P.C.?

- (II)** Whether on the same day at the same time and same place the accused committed criminal intimidation to the said informant by threatening him with dire consequences which cause alarm to him and thereby committed an offence punishable U/S 506 of I.P.C.?

**DISCUSSION, DECISION AND REASONS THEREOF:**

- 8.** Now, let us scrutinize the evidence on record. The star witness **PW 1 Md. Kadir Ali**, who is the informant of this case, stated in his deposition that the accused person is known to him. On 05-08-2020 at noon while he went to purchase some articles like rice and horse peas from the Fair Price shop of Md. Abdul Jalil, there he had an altercation with the accused regarding the prices of the articles and there they had some jostling too and subsequently, this instant case was lodged. Ext. 1 is the ejahar and Ext. 1(1) is his signature.
- 9.** Now, from the material available in the case record it reveals that although in this case the particulars of offences U/S 294/506 I.P.C. were stated and explained to the accused person, but PW 1, the informant, who is the star witness of the case, in his deposition totally silent in regard to the involvement of the present accused person with the alleged offences. As per his evidence, regarding some petty matters i.e. the prices of the articles, he had an altercation with the accused at that relevant time of incident which is not debarred by the prosecution. It is also stated by PW 1 that slight jostling also took place between them. Except that nothing was happened. In cross-examination PW 1 averred that due to misunderstanding this instant case was lodged against the accused person. But subsequently, the matter has been sorted out. He does not want to proceed further with the case and he clearly stated that he has no grievances against the accused person if he gets acquitted from the case. PW 1 in cross examination clearly stated that the accused neither uttered any obscene words not threatened him. Out of misunderstanding only, this case was lodged by PW 1 against the accused.
- 10.** Pertaining to the offence **U/S 294 IPC** i.e., uttering obscene words, the star witness i.e. **PW1** in his evidence negate the same as well as he is totally mum in this context. Although, **PW1** in the FIR stated that the accused person indulged in altercation and scolded with filthy language but he has not mentioned about the said scolding by the accused person in his evidence in the

court. Rather in cross examination he stated that the accused did not utter any obscene words.

- 11.** Likewise, regarding offence under **U/S 506 I.P.C.** the informant is silent in his examination-in-chief and negated the same in cross-examination too. Although the **PW 1** mentioned in the **Ext. 1 FIR** that the accused person had threatened him, but he did not disclose the same in his evidence. Rather, **PW1** in cross examination clearly stated that the differences are sorted out and he has no grievances against the accused and the accused neither uttered any obscene words nor threatened him. Out of misunderstanding only, this instant case was lodged by **PW 1** against the accused person. Considering the above aspects, I come to the conclusion that the prosecution has failed to prove the case against the accused persons.
- 12.** Thus, from the above discussion, I find that the prosecution has failed to establish the offences U/S 294/506 I.P.C. against the accused person. In the result, the accused is not found guilty U/S 294/506 I.P.C.

**O R D E R**

The accused person namely Md. Rabbul Islam is acquitted from the offences U/S 294/506 I.P.C. and he is set at liberty forthwith.

Bail bond shall remain in force for next 6 months as per provisions of Section 437(A) Cr.P.C.

Given under the hand and seal of this Court on this 8<sup>th</sup> day of December, 2021 at Udalguri, Assam.

**Dictated and corrected by me:**

**(Ranjita Agarwalla)**  
Chief Judicial Magistrate  
Udalguri, Assam.

**(Ranjita Agarwalla)**  
Chief Judicial Magistrate.  
Udalguri, Assam.

**APPENDIX**

A. Prosecution witnesses : **PW 1 Md. Kadir Ali (informant)**

B. Defence witness : Nil.

C. Documents exhibited : **Ext. 1 Ejahar.**

**(Ranjita Agarwalla)**  
Chief Judicial Magistrate  
Udalguri, Assam.