

IN THE COURT OF SUB-DIVISIONAL JUDICIAL MAGISTRATE (SADAR)
TINSUKIA

**Present: S. Sultana, AJS
SDJM(S), Tinsukia**

PRC CASE NO. 157/2019

U/S 341/294/506 IPC

State of Assam

Vs

Suraj Basfor

.....ACCUSED

Advocate for prosecution: Learned Banti Hazarika

Advocate for defence: Learned R.R.Barkataky

Charge framed on: 10-05-2019

Date of Evidence: 28-06-2019

Date of Argument:05-07-2019

Date of Judgment: 05-07-2019

JUDGMENT

1. The prosecution case succinctly is that informant lodged an ejahar on 23-01-17 alleging that for last ten days, accused Suraj Basfor by his mobile number 9127241121 has been continuously harassing her physically and mentally with a view to compel her get married to him forcefully. Informant alleged that sometimes in the evening hours and during day when accused found her alone on the way of colony, he tried to outrage her modesty and forcefully tried to get intimate with her by using slang

languages. Informant has also alleged that many times accused wrongfully restrained her to commit such illegal acts even when she walked with her sister. Informant further alleged that due to such act of accused, she confined herself in her house. Informant alleged that accused also damaged her reputation in the locality by spreading dirty rumour about her. Informant alleged that her marriage was fixed with another boy, but accused has been trying his level best to damage her reputation there also. Accused continuously threatened informant of dire consequence, if she does not marry him.

Informant alleged that on 23.1.19 at about 5pm, accused threatened informant and her family members over phone that if she not get marry to him then he will damage her whole career.

Thus, the above facts and circumstances led to the filing of the instant complaint and set the prosecution case in motion.

2. Based on the ejahar, Tinsukia P.S Case No.9/17 u/s 341/294/354/506 IPC was registered. After completion of investigation, Investigating Officer submitted charge-sheet against accused person namely Suraj Basfor u/s 341/294/506 IPC for his prosecution under the aforesaid sections of law.
3. Relevant copies of documents were furnished to above mentioned accused person as per provision of law. Offence u/s.341/294/506 IPC was explained to accused person to which accused person pleaded not guilty and claimed to be tried.
4. In this instant case, 1 (one) prosecution witness (hereinafter referred to as PW) have been examined-in-chief and cross examined by defence.
5. Statement of defence u/s 313 CrPC has been recorded in which accused person has reiterated that he is innocent and not guilty. Defence did not tender any evidence in its support. I have heard argument advanced by both sides. I have also perused the entire case record.

POINTS FOR DETERMINATION:

6. The points of determinations are as follows:-
- (i) Whether accused person on 23.01.2017 at about 5pm and prior to that wrongfully restrained the informant and obstructed her from marriage with another boy and thereby committed an offence u/s 341 PC?
 - (ii) Whether accused person on 23.01.2017 at about 5pm and prior to that caused criminal intimidation to the informant by threatening to kill her and thereby committed an offence u/s 506 IPC?
 - (iii) Whether accused person on 23.01.2017 at about 5pm and prior to that uttered any obscene word in or near any public place against the informant and thereby committed an offence u/s 294 IPC?

REASONS, DISCUSSIONS & DECISIONS THEREOF:

7. In this instant case, only one witness has been examined. To arrive at a conclusion, I have gone through the evidence on record thoroughly.

PW1/Informant Smti. Kanchan Balmiki has deposed in her evidence that she knows accused who resides near the house of her father. PW1 also deposed that on a minor misunderstanding she lodged this case against accused on 23.1.17. Though PW1 lodged the ejarah, she does not know its contents.

In her cross examination, PW1 has deposed that she does not have any complaints against the accused.

8. There is nothing on record that warrants conviction of accused person. Informant could not substantiate the allegations brought against accused in the ejarah through her evidence.
9. In **Chuhar Singh V. State of Haryana (1976(1) SCC879)**, the Hon'ble Apex Court held that what is important is not how many witnesses have been examined but what is the nature and

quality of evidence on which it relies. The evidence of a single witness may sustain a sentence of death whereas a host of vulnerable witness may fail to support a simple charge of hurt.

10. In light of the discussions made above, the inevitable conclusion, therefore is that prosecution has failed to bring home the charges levelled against the accused beyond the pale of reasonable doubt and accordingly, accused person is entitled to acquittal.
11. In the result, accused Suraj Basfor is acquitted from charges u/s 341/506/294 IPC levelled against him and he set at liberty forthwith.
12. Bail bonds furnished on his behalf shall remain in force for a period of six months.
13. Given under my hand and seal of this Court on this 5th day of July, 2019.
14. Case is disposed off hereby.

(Salma Sultana)
Sub-Divisional Judicial Magistrate,
Tinsukia, Assam

ORDER

Judgment is ready and has been delivered and pronounced in open Court.

Accused Suraj Basfor is acquitted from charges u/s 341/294/506 IPC levelled against him and he is set at liberty forthwith.

Bail bonds furnished on his behalf shall remain in force for a period of six months.

Given under my hand and seal of this Court on this 5th day of July, 2019.

Case is disposed off hereby.

(Salma Sultana)
Sub-Divisional Judicial Magistrate,
Tinsukia, Assam

APPENDIX

1. PROSECUTION EXHIBIT:

Ext.1 : Ejahar

2. DEFENCE EXHIBITS:

None

3. PROSECUTION WITNESS:

PW1- Smti. Kanchan Balmiki

4. DEFENCE WITNESS:

None

(Salma Sultana)
Sub-Divisional Judicial Magistrate(S),
Tinsukia, Assam