

**IN THE COURT OF THE JUDICIAL MAGISTRATE FIRST CLASS,**  
**TINSUKIA**

**G.R. CASE NO. 216/2018**

**U/S. 294/506/34 of IPC**

STATE OF ASSAM

-VS-

1. MS. MANDIRA CHOUDHURY

W/O LATE MR. BISHWAJIT CHOUDHURY AND

2. MR. RAJASHREE CHOUDHURY

S/O LATE MR. BISHWAJIT CHOUDHURY

..... *Accused*

**PRESENT:** Ms. Al Moohmina Muzzammil, AJS.  
Judicial Magistrate First Class,  
Tinsukia

**APPEARANCE:**

FOR THE STATE: MS. MOUSHUMI PATOWARY, LEARNED APP.

FOR ACCUSED: MR. DEBOJIT BOSE, LEARNED ADVOCATE.

DATE OF EVIDENCE: 23.08.2018

DATE OF ARGUMENT: 25.03.2021

DATE OF JUDGMENT: 01.04.2021

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

1. The case of the prosecution lodged by the informant Ms. Mousumi Choudhury on 02.02.2018 at 2 pm is that on 31.01.2018 at about 10 am accused persons namely Mandira Choudhury and Rajashree Choudhury parked their car within the boundary of her house. When she asked them to remove the car, they abused her in filthy language and threatened to break her hands and legs. Hence, she filed the case.
2. The case was registered and after investigation charge-sheet was filed against the accused Mandira Choudhury and Rajashree Choudhury under

section 294/506/34 of IPC. Processes was issued against the accused and they appeared before court and were allowed to go on bail.

3. Copy was furnished under section 207 CrPC to them and after hearing both sides, offence was explained to the accused persons under sections 294/506/34 to which they pleaded not guilty and claimed to be tried.
4. The prosecution side examined only two witnesses. Statement of the accused under section 313 Cr.P.C were dispensed with as no incriminating materials were found against them.
5. After hearing argument of both sides and going through the evidence available on record, I have framed the following:

**POINT FOR DETERMINATION:**

*Whether the accused persons on 31.01.2018 at about 10 am parked their car within the boundary of the informant's house and when she asked them to remove the car, they abused her in filthy language and threatened to break her legs and hands in pursuance of their common intention thereby committing an offence punishable under Section 294/506/34 of the IPC?*

**DISCUSSION, DECISION AND REASONS THEREOF:**

6. PW-1, informant Ms. Moushumi Choudhury stated that on 31.01.2018 the accused persons had obstructed her path with their car and when she asked them to remove the car, they abused and threatened her. Exhibit 1 is the FIR and 1 (1) is his signature.

In her cross-examination she stated that the accused are her relatives and they have land dispute between them. On the day of occurrence, she had parked her car near the boundary of her house and when other people asked her to remove the car, she went to the accused and asked them to move their car so that she could park her car in that place. Accused Rajarshee abused and threatened her and accused Mandira was

only standing there but did not abuse or threaten her.

7. PW 2 Mr. Dhonai Prasad is a tenant of the informant and he stated that one day in the month of January 2018 at about 10 am he had come home from his shop for having tea and he found that the informant and the accused persons were shouting at each other from their residential gates. He does not know why they were shouting at each other.
8. This was the evidence adduced by the prosecution. From the evidence it is found that there was a quarrel between informant and accused Rajashree Choudhury over parking of car. It was a trivial matter and the independent witness also could not say the reason for the quarrel. It is also seen that the informant and the accused are relatives and have land disputes between them. Considering the nature of offence and also keeping in mind that both sides have land disputes between them, it will be appropriate to acquit the accused of the offences alleged against them. Moreover, the evidence adduced by the prosecution is far from sufficient to prove the case beyond reasonable doubt. Hence, that accused are acquitted from the offences alleged against them and are set at liberty forthwith.
9. Bail bond furnished on behalf of the accused persons shall remain in force for a further period of six months.

Given under my hand and seal of this court on this 1<sup>st</sup> day of April, 2021 at Hailakandi.

**(Ms. Al Moohmina Muzzammil)**  
**Judicial Magistrate First Class,**  
**Tinsukia**

## **APPENDIX**

### **PROSECUTION WITNESSES:**

PW-1 Ms. Moushumi Choudhury

PW 2- Mr. Dhonai Prasad

### **EXHIBITS**

FIR

**Defence did not adduce evidence**

**(Ms. Al Moohmina Muzzammil)  
Judicial Magistrate First Class,  
Tinsukia**