

ASSN060008882023



IN THE COURT OF CHIEF JUDICIAL MAGISTRATE, BISWANATH

Present : Munmee Neog,

Date of judgment: 14.08.2026

Case No. P.R.C. 642/2023

Under Sections 354/323/506 of IPC

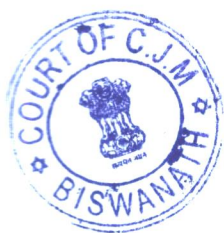
Behali Police Station Case No. 57/2021

Registered under Sections 323/354/506 of IPC

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COMPLAINANT:	STATE OF ASSAM
REPRESENTED BY	Mrs. S. Borah, Learned Additional P.P
ACCUSED	1. Sri Dhiraj Shankar Sarmah (A1) Son of Sri Antiram Sarmah Resident of: Sukansuti P.S : Behali District: Biswanath
REPRESENTED BY	Mr. D. Borah, learned advocate.

Date of offence	24.07.2021
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Date of F.I.R	30.07.2021
Date of charge-sheet	31.08.2021
Date of framing of charges	06.11.2023
Date of commencement of evidence	07.12.2023
Date on which judgment is reserved	NIL
Date of Judgment	14.08.2026
Date of the sentencing order, if any	NIL

Accused details:

Rank of the accused	Name of the accused	Date of arrest	Date of release on bail	Offences charged with	Whether acquitted or convicted	Sentence imposed	Period of detention undergone during trial for purpose of Sec. 428 Cr.P.C.
A1	Sri Dhiraj Kumar Sarmah	Not arrested	Does not arise	Sections 323/354 /506 of IPC	Acquitted	Does not arise	Does not arise

J U D G M E N T

Prosecution Case as stated in FIR:

1. Since last three years from the date of lodging FIR A1 has been torturing PW3 physically and mentally. During the



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period A1 also promised to marry PW3, but, around two months back from date of lodging FIR she came to know that A1 already conducted his marriage. Knowing same PW3 started maintaining distance from A1, but, the latter has been continuously threatening to kill her and also has been restraining her from going to her work. On 24.07.2021 while PW3 was engaged in her work at Borgaon Tea Garden, A1 came, restrained her from doing work and by assaulting her threatened to go to her house. In spite of the fact that A1 is a married person, he in order to establish physical relationship with PW3 against her will has been threatening her and causing disturbances in her life.

Proceeding:

2. With regard to aforesaid allegations informant/PW3 lodged an FIR before, Behali Police Station against A1, which was registered and was investigated. The Investigating Officer has laid charge-sheet against A1 under Sections 323/354/506 of I.P.C.
3. After filing of charge-sheet when A1 appeared before court in response to summons he was granted bail and copy under Section 207 of Cr.P.C was furnished to him. Charges under Sections 323/354/506 of IPC were framed against A1 and on having been read over and explaining the particulars of said offences to A1, he pleaded not guilty and claimed trial.
4. The prosecution has examined three numbers of witnesses only, which includes the informant cum victim (PW3).



Prosecution declined to examine the Investigating Officer and the Medical Officer.

5. Statement of A1 under Section 313 of C.P.C is recorded, wherein, he pleaded total denial. A1 also declined to adduce evidence.
6. I have heard argument advanced by learned counsel for both sides.

Points for determination:

7. Whether A1 on or about 24.07.2021, assaulted or used criminal force upon PW3 intending to outrage her modesty or knowing it that same was likely to outrage her modesty and thereby committed an offence punishable under Section 354 of IPC ?
8. Whether A1 on or about 24.07.2021, voluntarily caused hurt to PW3 by assaulting her and thereby committed an offence punishable under Section 323 of IPC ?
9. Whether A1 on or about 24.07.2021, caused criminal intimidation to PW3 by threatening to cause injury to her person and thereby committed an offence punishable under Section 506 of IPC ?

Discussion, decisions and reasons thereof:

10. Let us analyze the evidences on record keeping in view the points for determination as stated above.
11. PW3 in Exhibit P-1/PW3 has alleged that on date of incident while she was working at Borgang Tea Garden, A1 by telling her that she should not do work restrained her from doing her work and also assaulted her. In her evidence also PW3

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though has alleged that A1 had assaulted her, she has given a different reason/motive for such assault caused to her by deposing that as she decided to keep distance with A1, hence, A1 quarreled with her and assaulted her. PW3 in Exhibit P-1/PW3 has alleged further that A1 also threatened her to go to her home from her work-place, whereas, by giving an inconsistent version she has deposed in her evidence that A1 even by assaulting her took her to her house. Apart from that PW3 claimed to have lodged the FIR only after one day of alleged occurrence and denied that she falsely has made such claim. Whereas, record shows it clear that her such claim is false as she lodged FIR only after around six days of alleged occurrence. Moreover, nowhere she has given any explanation for such delay in lodging the FIR, which, in my opinion, has created some doubt on allegations raised by PW3. Under such circumstance I am also of the opinion that PW3 is not a wholly reliable witness to rely upon her version to determine alleged guilt of A1 and hence, corroboration to her evidence is necessary.

12. In order to find some corroboration when evidence of other witnesses is analyzed it appears that evidence of PW1 and PW2 is hearsay only, which has no evidentiary value as none of them had witnessed the incident alleged. PW3 though has claimed that many people in the Tea Garden had witnessed A1 assaulting her, but, prosecution has failed



to examine any such eye witness, which has added further doubt on claim of PW3.

13. Foregoing discussion, thus, shows that due to inconsistent statements made by PW1 she appears to be not a wholly reliable witness, whereas, other two witnesses, i.e, PW2 and PW3 failed to bring any corroboration to her evidence. Thus, it can be said that prosecution has failed to prove beyond reasonable doubt the allegations raised in Exhibit P-1/PW3. In the result, I find and hold that the prosecution has failed to prove charges under Sections 354/323/506 of I.P.C. against A1 with sufficient evidence beyond all reasonable doubt. I find him not guilty and acquit him forthwith. A1 is set at liberty and validity of bail bond shall extend for a period of six months from today.

14. Given under my hand and seal of this court on this 14th day of, August, 2026, at, Biswanath.

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LIST OF PROSECUTION/ DEFENCE/ COURT WITNESSES

A. Prosecution:

RANK	NAME	NATURE OF EVIDENCE
PW1	Sri Sushanta Choudhury	Hearsay evidence
PW2	Sri Loshy Karmakar	Hearsay evidence
PW3	Mrs. X [name is withheld considering nature of victim allegations]	Direct evidence/informant cum

B. Defence Witnesses, if any:

RANK	NAME	NATURE OF EVIDENCE
	NIL	

C. Court Witnesses, if any:

RANK	NAME	NATURE OF EVIDENCE
	NIL	

LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS

D. Prosecution:

Sl. No.	Exhibit Number	Description
1.	Exhibit P-1/PW3	FIR with signature of PW3

E. Defence:

Sl. No.	Exhibit Number	Description
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	NIL	
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F. Court Exhibits:

Sl. No.	Exhibit Number	Description
	NIL	

G. Material Objects:

Sl. No.	Exhibit Number	Description
	NIL	

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