

DISTRICT: GOALPARA

IN THE COURT OF THE ADDL. CHIEF JUDICIAL MAGISTRATE

GOALPARA

P.R.C CASE NO. 304/2019

U/S. 447/294323 IPC

PROSECUTOR: STATE OF ASSAM

-VS.-

ACCUSED MD. SAFIQUL HOQUE

PRESENT: SMTI. S.S.A. ZINNAT, AJS.

ADDL. C.J.M. GOALPARA

APPEARANCE:

FOR THE STATE: SMTI. S. GUHA, LEARNED ADDL. PUBLIC
PROSECUTOR.

FOR THE ACCUSED PERSONS: NAZIMUDDIN AHMED

DATE OF ARGUMENT: 02-03-2020

DATE OF JUDGMENT: 02-03-2020.

J U D G M E N T

1. The prosecution case in a nutshell is that, on 31/12/18 informant Rahima Khatun filed a written ejahar with Dhupdhara P.S. against accused Saiful Hoque and others.
2. Upon receipt of the 'ejahar' police registered a case against the accused persons and investigated the matter.

3. After completion of investigation police filed a charge-sheet against the accused person Saiful Hoque u/s 447/294/323 of IPC.
4. After securing appearance of the accused person, he was allowed to go on bail. Relevant documents of the case were furnished to him. Upon perusal of materials on record and after hearing both sides particulars of offences u/s 447/294/323 of IPC were read over and explained to him, to which he has pleaded not guilty and claimed to be tried.
5. The prosecution in support of its case examined one witness only, and declined to examine the other witnesses. Whereas, the defence side has not examined any witness in support of their defence.
6. The examination of the accused persons u/s.313 Cr.P.C. was dispensed with.
7. I have heard the argument advanced by the learned counsels for both sides.
8. Upon hearing and on perusal of the record I have framed the following points for determination:
 - (i) Whether the accused person committed criminal trespass and thereby committed an offence punishable under section 447 of IPC?
 - (ii) Whether the accused person on the same date, time and place used obscene language to the annoyance of public and thereby committed an offence punishable under section 294 of IPC?
 - (iii) Whether the accused person voluntarily caused hurt to the informant and thereby committed an offence punishable under section 323 of IPC?

**DISCUSSION, DECISIONS AND REASONS FOR THE
DECISIONS:**

9. I have gone carefully through the entire evidence and the materials placed before me.
10. Pw-1 Rohima Khatun stated in her evidence that she had filed this case against her husband due to some misunderstanding and that she is not willing to proceed further with the case.
11. Now, on going through the evidence and the record it appears that, the vital witness of this case examined by the prosecution side did not support the prosecution case. I, therefore, find that the prosecution side has failed to establish the guilt of the accused person. Accordingly, the accused person Safiqul Hoque is held not guilty of offence punishable under section 447/294/323 IPC, and he is acquitted and set at liberty forthwith.

ORDER

In the result, the accused person Safiqul Hoque is held not guilty of offence punishable under section 447/294/323 IPC, and is acquitted and set at liberty forthwith.

Bail bond furnished on behalf of the accused person shall remain in force for a further period of six months. Given under my hand and seal of this Court on this 2nd day of March, 2020.

S.S.A ZINNAT
Addl. C.J.M. Goalpara

PROSECUTION EXHIBIT:

Ext 1: EJA HAR.

Ext 1(1): Signature of PW1.

PROSECUTION WITNESS:

1. PW-1 RAHIMA KHATUN

02/03/2020

Accused person is present. Judgment is pronounced in open Court. Judgment is prepared in separate sheet and tagged with the record.

In the result the accused person Saiful Hoque is held not guilty of offence punishable under section 447/294/323 IPC, and is acquitted and set at liberty forthwith.

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 the seal of this Court on this 2nd day of March, 2020.

S.S.A ZINNAT
ADDL.C.J.M. GOALPARA