

DISTRICT: GOALPARA

IN THE COURT OF THE ADDL. CHIEF JUDICIAL MAGISTRATE

GOALPARA

G.R. CASE NO. 123/2018

U/S 447/352/506/34 IPC

PROSECUTOR: STATE OF ASSAM

-VS.-

ACCUSED:NUR ISLAM AND ORS.

PRESENT: SMTI. SYEDA SABINA AFZAL ZINNAT, AJS.

ADDL. C.J.M. GOALPARA

APPEARANCE:

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

FOR THE ACCUSED PERSON: JOINUDDIN AHMED

DATE OF ARGUMENT:24-12-2021

DATE OF JUDGMENT:24-12-2021

J U D G M E N T

1. The prosecution case in brief is that on 15-01-2018 informant Sultana Begum filed a written ejahar with Lakhipur P.S. to the effect that on 13-01-2018, accused persons Nur Samina and Rosidul Islam entered into her house and assaulted me and my husband and threatened us with dire consequences. Hence, the case.
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 persons Nur Samina and Rosidul Islam u/s 447/352/506/34 of IPC.
4. After securing appearance of the accused persons, they were allowed to go on bail. Relevant documents of the case were furnished to them. Upon perusal of materials on record and after hearing both sides particulars of offences u/s 447/352/506/34 IPC were read over and explained to them, to which they pleaded not guilty and claimed to be tried.
5. The prosecution in support of its case examined only one witness, 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 persons in furtherance of their common intention on 13-01-2018 at Lakhipur assaulted or used criminal force upon the informant and her husband otherwise than on grave provocation and thereby committed an offence punishable under section 352/34 of IPC?
 - (ii) Whether the accused persons in furtherance of their common intention on the same date and place committed criminal trespass and thereby committed an offence punishable under section 447/34 of IPC?
 - (iii) Whether the accused persons in furtherance of their common intention on the same date and place committed criminal intimidation and thereby committed an offence punishable under section 506/34 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, Sultana Begum who is the informant of this case stated in his evidence that they have amicably settled the matter. In his cross-examination he stated that he have no objection if the accused persons are acquitted.
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. As such the accused person cannot be held liable u/s 447/352/506/34 of IPC. I, therefore, find that the prosecution side has failed to establish the guilt of the accused persons beyond all reasonable doubt. Accordingly, the accused persons namely, Nur Samina and Rosidul Islam are held not guilty of offence punishable under section 447/352/506/34 of IPC and they were acquitted and set at liberty forthwith.

ORDER

In the result, the accused persons namely, Nur Samina and Rosidul Islam are held not guilty of offence punishable under section 447/352/506/34 of IPC and they were 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 24th day of December 2021.

SYEDA SABINA AFZAL ZINNAT
Addl. C.J.M. Goalpara

PROSECUTION EXHIBIT:

EXT. NIL

PROSECUTION WITNESS:

1. PW1: Sultana Begum

ORDER

24/12/2021

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

In the result the the accused persons namely, Nur Samina and Rosidul Islam are held not guilty of offence punishable under section 447/352/506/34 of IPC and they were 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 24th day of December 2021.

SYEDA SABINA AFZAL ZINNAT
ADDL.C.J.M. GOALPARA