

IN THE COURT OF ASSISTANT SESSIONS JUDGE:
GOALPARA

Sessions Case No. 02/2021
U/s 341/323/307 of IPC

The State of Assam

-Vs-

Anisur Rahman

..... Accused person

Present : Smt. C.R. Saikia, A.J.S.
Assistant Sessions Judge, Goalpara

For the Prosecution: Mr. N.N. Islam, learned Addl. P. P.

For the accused: Mr. A. Hoque, learned Advocate.

Evidence for the prosecution recorded on : 03/05/2021.

Statement of the accused: Dispensed with.

Argument heard on: 03-05-2021.

Judgment delivered on: 03-05-2021.

J U D G M E N T

1. The gist of the prosecution case as disclosed in the ejahar is that on 17/09/2020 at about 11:00 p.m. accused Anisur Rahman restrained Falu Sheikh and inflicted cut injury from back side while the victim Falu

Sheikh was coming from his hotel by riding a motorcycle.

2. Rohijuddin, the father of the victim Falu Sheikh, lodged an ejahar before the O.C. of Baguan Police Station disclosing the said facts.

3. On the basis of the said ejahar Baguan P.S. Case No. 70/2020 u/s 341/326/307 IPC was registered against accused person. On completion of investigation police laid charge sheet against accused Anisur Rahman u/s 341/323/307 IPC.

4. The then learned Chief Judicial Magistrate, Goalpara committed this case for trial before Hon'ble Court of Sessions vide its order dated 11/01/21 after complying with the provisions under sections 207/209 Cr.P.C. On 04/03/21 this court received the instant case for disposal from Hon'ble Sessions court on transmission.

5. After hearing learned counsels of both sides and on perusal of materials available on record this court framed a formal charge u/s 341/323/307 IPC against the accused person vide its order dated 04/03/2021. The charge was read over and explained to the accused to which he pleaded not guilty and claimed to be tried.

6. Prosecution side adduced evidence of two witnesses in support of its case. Statement of the accused under

section 313 Cr. P.C. is dispensed with as there is no incriminating material in evidence on record. I have heard the argument of both sides, considered the contentions raised on behalf of both sides and perused the evidence on record.

The points for determination in this case are as follows:

7. (i) Whether the accused on 17/09/20 at about 11:00 p.m. at Joypur Purbapara under Baguan Police Station, Dist. Goalpara (Assam) wrongfully restrained victim Falu Sheikh, son of informant Rohijuddin and thereby committed an offence punishable u/s **341** of IPC ?

(ii) Whether the accused at the aforesaid time and place voluntarily caused hurt to the said victim Falu Sheikh and thereby committed an offence punishable u/s **323** of IPC ?

(iii) Whether the accused at the aforesaid time and place stabbed on the neck of Falu Sheikh with a sharp cutting weapon with intent to cause his death and thereby committed an offence punishable u/s **307** of IPC ?

DISCUSSION OF EVIDENCE DECISIONS AND REASONS THEREOF:

8. **P.W.1, Rohijuddin** is the informant of this case.

He deposed that the accused is his neighbour. That he lodged this case out of misunderstanding and he is not willing to proceed further with this case. It is in his evidence that he has no objection if the accused is acquitted from the alleged offences in this case. He proves his ejahar as Exhibit-I wherein he has admitted his signature as Exhibit-I(1).

9. Learned defence counsel declined to cross examine P.W-1.

10. **P.W.2, Falu Sheikh** is the victim of this case. He deposed that the accused is his neighbour. That his father lodged this case out of misunderstanding and he is not willing to proceed further with this case. It is in his evidence that he has no objection if the accused is acquitted of the alleged offences in this case.

11. Learned defence counsel declined to cross examine P.W-2.

12. From the evidence as discussed above it is seen that there is nothing in the evidence to show the involvement of the accused person in the alleged offences. I am of the considered opinion that the prosecution has totally failed to lead cogent and convincing evidence to bring home the charge u/s 341/323/307 of I.P.C. against the accused Anisur Rahman. Therefore, the points for determination need to

be answered in negative. Hence, the accused Anisur Rahman is acquitted of the alleged offences u/s 341/323/307 IPC. He is set at liberty forthwith. The accused Anisur Rahman is in jail hajot. The jail authority shall release him forthwith if not required in any other case.

13. Inform the jail authority accordingly.

14. Forward a copy of this judgment to the District Magistrate in compliance of section 365 of Cr. P.C.

Given under my hand and the seal of this Court on this 03rd day of May, 2021.

Dictated and corrected by me:

**(C.R.Saikia, A.J.S.)
Asstt.Sessions Judge, Goalpara**

Asstt.Sessions Judge, Goalpara

A P P E N D I X.

(Sessions Case No. 02/2021).

Prosecution witness :

P.W.1Rohijuddin (informant)

P.W.2Falu Sheikh (victim)

Defencewitness :..... Nil.

Prosecution Document :

Exhibit-1 Ejahar.

DefenceDocument :..... Nil.

Court's witness :... .. Nil.

Court's Document :... .. Nil.

**(C. R. Saikia, A.J.S.)
Asstt. Sessions Judge,
Goalpara, Assam.**