

IN THE COURT OF SUB-DIVISIONAL JUDICIAL MAGISTRATE,
SONITPUR, TEZPUR

GR. CASE NO. 368/ 2017

U/S- 294/323/506 IPC

State

V.

Sahidul Islam

Present before : Kumari Arti, SDJM(S), Sonitpur, Tezpur
For Prosecution : Sri. R. Kr. Goswami
For Defence : Md. M. Islam.
Date of Evidence : 20.01.2020.
Date of argument : 15.07.2020.
Date of Judgment : 15.07.2020.

JUDGMENT

1. The prosecution case in brief is that on 04.02.2017 at about 8 am, when informant asked about Rs. 1,500/- which accused Sahidul Islam had borrowed from him (informant), accused used obscene words against the informant and also assaulted the informant. The accused also tore clothes of the informant and took away Axe and shaw from the informant. Hence, this case.

Compliance of Sec- 207 Cr.P.C.

2. Copies of relevant documents were furnished to the accused in accordance with Sec-207 Cr.P.C.

Offence explanation

3. During trial the particulars of offences u/s- 294/323/506 Indian Penal Code were read over and explained to the accused to which accused pleaded not guilty and claimed to face trial.

Evidence Adduced

4. Prosecution has examined one witness. Examination u/s-313 Criminal Procedure Code is dispensed with as there was no incriminating material in the examination of the vital witnesses.

Points for determination

5. (i) Whether the accused person could be hold accountable for the offences leveled against him?

(ii) Whether the prosecution established its case beyond all reasonable doubt?

Discussion, Decision and Reasons thereof

6. PW1, Md. Ali Hussain (informant) has stated accused is his brother-in-law. He also stated that on the date of the incident there took place verbal altercation between him and the accused. Out of misunderstanding and being incited by others, he lodged this case against the accused. He also stated that at present he does not have any grievance against the accused person.

In course of his cross-examination he stated that he does not have any objection if the accused is acquitted from this case.

9. Let me now analyse how far the prosecution has been able to prove its case against the accused person. It is seen that the informant/victim as PW1 in course of

his evidence admitted that the instant case has been lodged out of misunderstanding and he does not have any grievance against the accused person. PW1/informant has in no manner supported the prosecution case. This being the position, the prosecution case cannot be said to have been proved beyond all reasonable doubt.

10. Therefore, it would be highly unsafe to hold the accused guilty of commission of offences punishable u/s- 294/323/506 Indian Penal Code.

12. Accordingly, the prosecution in the instant case could not discharge the heavy burden of proving the guilt of the accused for commission of the alleged offences beyond all reasonable doubt as the case was lodge out of misunderstanding. Therefore, the onus has not shifted to the defence in the present case.

13. My discussion above propels me to decide both the points for determination in negative. Accordingly the accused is held not guilty for commission of the offences punishable u/s- 294/323/506 Indian Penal Code.

ORDER

14. Accused, Sahidul Islam is acquitted of the offence punishable u/s- 294/323/506 Indian Penal Code and he is set at liberty.

15. The bail bond shall be in force for six months from the date of the judgment delivered.

16. Given under my hand and seal of this court on 15th day of July, 2020.

KUMARI ARTI

SDJM(S), SONITPUR, TEZPUR

APPENDIX

Prosecution has examined one witness:-

PW1, Md. Ali Hussain

Defence side has not examined any witness.

Documents exhibited by the prosecution :-

Ext. 1- Ejahar.

Ext.2- Charge Sheet.

Ext.3-Sketch Map.

Ext.4-Injury Report.

Documents exhibited by the defence -: Nil

KUMARI ARTI

SDJM(S), SONITPUR, TEZPUR