

**IN THE COURT OF JUDICIAL MAGISTRATE FIRST CLASS, SONITPUR,  
TEZPUR**

**Present:** **Smti Chitrali Goswami, A.J.S**  
Judicial Magistrate First Class,  
Sonitpur, Tezpur

**PR case no: 1949/19**

under Sections - 341/294/352 of Indian Penal Code.

State

vs

Siddik Ali

Advocate for the Prosecution	Mr AK Sahani.
Advocate for the Defence	Kamal Kalita.
Date of recording evidence	17.02.2021.
Date of hearing argument	17.02.2021.
Date of judgment	24.02.2021.

**JUDGMENT**

1. The prosecution case in brief is that the instant case was initiated on the lodging of an ejahar dated 13.07.2019 by informant Trishanu Bhuyan. He alleged in his ejahar that on 10.07.2019 at around 4 pm he was coming from Bhitorsuti to his own home Ambikagiri nagar, Gotlong by driving his motorcycle bearing registration no.AS-12-S-6920. At that time, the accused person forcefully stopped his own Swift Desire vehicle in front of him and came out from his vehicle. Accused person started to utter obscene words to him for no reason and assaulted him. The accused person broke his own vehicle and demanded an amount of Rs 10,000/- from him. Hence the case.

2. On receipt of the ejahar, Tezpur P.S. Case No.1247/19 dated 13.07.2019 under Sections – 341/294/323/34 of the Indian Penal Code was registered and investigated by SI(P) Raiful Islam. On completion of the investigation, the I/O of the case submitted charge-sheet vide charge sheet no. 461/2019 dated 31.08.2019 against the accused person namely, Siddik Ali under Sections – 341/294/352/34 of Indian Penal Code by SI(P) Raiful Islam.

3. On receipt of charge sheet, cognizance of offences under Sections - 341/294/352 of the Indian Penal Code were taken as per the provision prescribed under Sections 190(1) (b) of Code of Criminal Procedure.

4. On appearance of the accused person necessary copies were furnished to him as per the provision of Section 207 of the Code of Criminal Procedure. The particulars of the offences under Sections - 341/294/352 of Indian Penal Code were explained to the accused person to which he denied the offences and decided to stand for trial.

5. During the course of trial, the prosecution side to prove its case examined one witness who is the informant of this case. Since no incriminating materials are found against the accused persons, the statement of the accused persons under Sections- 313 Code of Criminal Procedure was dispensed with. Defence, however, did not adduce any evidence.

6. I have heard the arguments of both sides.

7. **Points for determination:**

(i) Whether the accused person on 10.07.19 at around 4 pm wrongfully restrained the informant Trishanu Bhuyan and thereby committed an offence punishable under Section 341 of the Indian Penal Code?

(ii) Whether the accused person on 10.07.19 at around 4 pm uttered obscene words to the informant in a public place and thereby committed an offence under Section 294 of the Indian Penal Code?

(iii) Whether the accused person on 10.07.19 at around 4 pm at Bhitorsuti assaulted or used criminal force to the informant otherwise than on grave and sudden provocation and thereby committed an offence under Section 352 of the Indian Penal Code?

### **DISCUSSIONS**

8. In his examination-in-chief, PW1/informant Trishanu Bhuyan deposed that he lodged this case in the year 2019 around 4 p.m. He had gone for some work. On returning from work at Parua there took place a misunderstanding with the accused. He suffered no injury. Out of anger, he lodged this case.

Exhibit 1 is the ejahar and Exhibit 1(i) is his signature.

Defence denied his cross examination.

9. From perusal of the evidence it is found that the instant case was instituted on the ground of misunderstanding with the accused persons.

10. As such the prosecution side has failed to prove that the accused person namely, Siddik Ali have committed the said offences under Sections – 341/294/352 of Indian Penal Code against the informant beyond reasonable doubt.

**ORDER**

In light of the aforesaid discussion, I hold the accused person namely; Siddik Ali is not guilty of offences under Sections –341/294/352 of the Indian Penal Code. Hence, he is acquitted from the charges leveled against him. The accused person is set at liberty forthwith.

His bail bond is extended for a period of 6(six) months from the date of this order i.e. 24.02.2021 as per as Section 437(A) Code of Criminal Procedure.

The judgment is delivered in the open Court in presence of the accused person and his engaged Counsel.

Given under my hand and the seal of this court on this 24<sup>th</sup> day of February, 2021.

Typed by me,

(Smti. Chitrani Goswami), AJS  
Judicial Magistrate First Class,  
Sonitpur, Tezpur.

(Smti Chitrani Goswami), AJS  
Judicial Magistrate First Class,  
Sonitpur, Tezpur

**APPENDIX**

**Prosecution witnesses :**

PW1- Trishanu Bhuyan

**Prosecution Exhibits:**

Exhibit 1- Ejahar

**Defence witness:**

Nil

**Defence Exhibit:**

Nil.

**Court Exhibit:**

Nil

(Smti Chitrani Goswami), AJS  
Judicial Magistrate First Class,  
Sonitpur, Tezpur