

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

**PRESENT: DARSHANA NATH, AJS, Tezpur, Sonitpur**

**GR CASE NO: 2251/17**

**U/S 294/323/506 IPC**

**STATE**

**VS.**

**Fazlul Rahman Ansari**

FOR PROSECUTION: Smti. Niva Devi

FOR THE ACCUSED: Md. N. Uddin

Md. F. Islam

Md. M. Rahman

Md. R. Ali

Smti L. Gogoi

EVIDENCE RECORDED ON : 11/01/2022

JUDGEMENT DELIVERED ON: 11/01/2022

**JUDGMENT**

1. The accused person Fazlul Rahman Ansari stood trial for offences punishable under Sections 294/323/506 of Indian Penal Code (hereinafter IPC).

**Information and Investigation**

2. The genesis of this case has its roots with the lodging of Ejahar by informant Md. Suleman Seikh and Md. Ibrahim Seikh on 10/06/2017 wherein they stated that on that day at 5 pm, the accused person abused them verbally with obscene words in public place. He beat them and threatened to kill them without any reason.

3. The Ejahar was registered as Dhekiajuli P.S Case no 502/17 u/s 294/323/506 IPC. The police after investigation submitted charge sheet against the accused person under section 294/323/506 IPC.

### **Trial**

4. Cognizance was taken of the charge sheeted offences and processes were issued upon which the accused person appeared and copy of the relevant documents was furnished to him in compliance with section 207 of Code of Criminal Procedure (hereinafter referred as CrPC). Particulars of offences are explained to the accused person to which he pleaded not guilty and claimed to be tried.
5. In this case, the prosecution has examined the informant as PW-1 and PW2. PW1 stated that there was misunderstanding between accused and them. Now the matter has been amicably settled between them.
6. PW-2 also stated that there was some fight between him and accused due to some misunderstanding and now the dispute has been settled. They are living peacefully.
7. Considering testimony of the informant and other witness, the prosecution declined to further adduce evidence in this case. Hence, the evidence of prosecution side is closed. Examination of accused u/s 313 CrPC dispensed with as the prosecution did not adduce any incriminating evidence against him.
8. After hearing the learned Counsel of both sides and after perusal of the case record, I do hereby frame the following points of determination.

### **POINTS FOR DETERMINATION**

- a) **Whether the accused person voluntarily caused hurt the informants and thereby committed offence u/s 323 IPC?**
- b) **Whether the accused person used obscene word to the informants in public place and thereby committed offence u/s 294 IPC?**

**c) Whether the accused person threatened to kill the informants and thereby committed offence u/s 506 IPC?**

**PROSECUTION EVIDENCE**

**Evidence of the informant**

9. PW1 is the informant. He stated that there was misunderstanding between him and accused person and out of rage, he filed the FIR. Now the matter has been amicably settled between them. Hence, he does not wish to continue with the case and he has no objection even if the accused person is acquitted.
10. PW2 is another informant and he has no objection if the accused is acquitted.
11. In cross examination also, PW1 stated that the accused filed a case against them and now has withdrawn the case. The defence declined cross examination of PW2.

**DISCUSSIONS, DECISIONS AND REASONS THEREOF**

12. Upon a perusal of the evidence, it is clear that the informant in this case does not wish to proceed with the case, as the case was lodged due to misunderstanding but now the matter has been resolved among the two parties amicably and they have no issue if the accused person is acquitted of the charges brought against him.
13. As such the prosecution has failed to prove that the accused person has committed the offences u/s 323/294/506 IPC beyond reasonable doubt.

**ORDER**

14. In light of the above, it is held that the prosecution has failed to prove the case U/s 323/294/506 IPC against the accused person Fazlul Rahman Ansari beyond all reasonable doubt. Hence, he is hereby **acquitted** and set at liberty forthwith.

However, his bail bonds shall remain in force for a period of next 6(six) months as provided by section 437A CrPC.

Given in my hand and under the seal of this court on this the 11<sup>th</sup> day of January 2022.

Typed by Me:

Smti. Darshana Nath  
Judicial Magistrate First Class, Tezpur

**APPENDIX**

**Prosecution Witness:**

PW-1: Suleman Seikh

PW2: Ibrahim Seikh

**Defence Witness:**

NIL

**Prosecution Exhibits: Ext 1: FIR**

**Ext 1(1): Signature of PW1**

**Ext 1(2): signatutre of PW2**

**Defence Exhibits: NIL**

Judicial Magistrate First Class, Tezpur.