

IN THE COURT OF ADDITIONAL CHIEF JUDICIAL MAGISTRATE
SONITPUR, TEZPUR, ASSAM

P.R 1297/18

U/S 325 IPC

State of Assam

Vs

Md Ajijul Hoque **.....Accused**

Present : Sri. Angshuman Bhattacharjee
Addl. Chief Judicial Magistrate

For Prosecution : Sri. P. Baruah, Learned Addl. Public Prosecutor.

For the accused : Sri Rupjyoti Baruah, Ld Defence Counsel

Evidence recorded on : 03-01-2022

Arguments heard on : 03-01-2022

Judgement delivered on : 03-01-2022

J U D G M E N T

1. The prosecution story emanates from the FIR dtd 31-03-2018 lodged by one Mustt Ambia Begum stating inter alia that on 30-03-18 at about 6.30 pm, accused Md Ajijul Haque along with other persons restrained her in front of a shop of one Md Rahman and assaulted her with a lathi. As a result, she sustained grievous injuries and also lost her silver rings, silver anklet and Rs 1700/-. The accused also assaulted her son Md Amirul Hussain. Hence this case.

2. On receipt of ejahar, Dhekiajuli PS case no. 250/18 U/S 341/325/34 IPC was registered and SI Prasanna Saharia was entrusted with the investigation of this case. After completion of investigation, the police filed charge-sheet against the accused Md Ajijul Hoque @ Lambu u/s- 341/325 IPC. At the relevant point of time, on receipt of summons the accused appeared before this Court and he was furnished copies as mandated u/s 207 Cr.P.C. Having found a case against the accused u/s- 325 IPC,

particulars of offence under said section of law was framed, read over and explained to the accused to which he pleaded not guilty and claimed to be tried.

3. The prosecution examined only 1 (one) witness. Considering the evidence of PW1 and on the oral prayer of prosecution and defence sides, further prosecution evidence and SD were dispensed with.

Point for determination:-

Whether the accused on 30-03-18 at about 6.30 pm voluntarily caused grievous hurt to Mustt Ambia Begum by assaulting her with a lathi at Sitalmari Bazar under Singri Police Out Post and thereby committed an offence punishable under Section 325 of IPC?

Discussion of evidence

4. PW1, Mustt Ambia Begum is the informant of this case. Ext.1 is the ejahar lodged by her and Ext.1(1) is her signature thereon. Accused Md Ajijul Haque is her brother-in-law. On 30-3-18 in the evening there took place an argument between her and the accused person over a trivial matter in front of a shop near her house. In course of the argument, as the ground was slippery, she myself fell down and sustained minor injuries. Then out of misunderstanding and being incited by others, she lodged this case. Presently she and her family have very good relation with the accused. She has no grievance against the accused and she has no objection if the accused is acquitted from this case.

DECISION AND REASONS THEREOF

5. I have heard the prosecution and defence side.

6. Let me now analyse how far the prosecution has been able to prove its case against the accused person.

7. It is seen that the informant as PW1 in course of her evidence admitted that the instant case has been lodged out of misunderstanding and she does not have any grievance against the accused. 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.

8. In view of the discussions above, it is hereby concluded that the prosecution has failed to prove its case beyond all reasonable doubt. As such this court holds that the accused Md Ajijul Haque is not guilty of the offence U/S 325 of the Indian Penal Code and he be set at liberty forthwith. The bail bond furnished by the accused is hereby extended for six months from today (03-01-2022).
9. Seized articles if any, be delivered to his lawful owner after proper verification and following the process of law.
10. Judgement is delivered and pronounced in open court.
11. Given under my hand and seal of this court on this 3rd day of January, 2022.

Sri Angshuman Bhattacharjee
Addl. Chief Judicial Magistrate
Sonitpur, Tezpur

APPENDIX

Prosecution witnesses:-

PW 1 Mustt Ambia Begum

Defence witness:

Ejhar as Ext.1

Documents exhibited by the prosecution :-

Nil

Documents exhibited by the defence -: Nil

Sri Angshuman Bhattacharjee
Addl. Chief Judicial Magistrate
Sonitpur, Tezpur