

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

PRESENT: DARSHANA NATH, AJS, Tezpur, Sonitpur

PR CASE NO: 939/18

U/S 447/294/506/34 IPC

STATE

VS.

Jaban Ali and Mastafa Ali

FOR PROSECUTION: Smti. Niva Devi

FOR THE ACCUSED: Jesminara Begum

EVIDENCE RECORDED ON : 21/01/2022

JUDGEMENT DELIVERED ON: 21/01/2022

JUDGMENT

1. The accused persons Jaban Ali and Mustafa Ali stood trial for offences punishable under Sections 447/294/506/34 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 Nazima Begum on 20/01/2018 wherein she stated that on 18/01/18 at 6 pm, the accused persons fought with the informant and used obscene words to her. When she opposed they abused her physically and injured her.
3. The Ejahar was registered as Thelamara P.S Case no 13/18 u/s 447/294/354/34 IPC. The police after investigation submitted charge sheet against the accused persons under section 447/294/506/34 IPC.

Trial

4. Cognizance was taken of the charge sheeted offences and processes were issued upon which the accused persons appeared and copy of the relevant documents were furnished to them in compliance with section 207 of Code of Criminal Procedure (hereinafter referred as CrPC). Particulars of offences are explained to the accused persons to which they pleaded not guilty and claimed to be tried.
5. In this case, the prosecution has examined the informant as PW-2 and other witnesses as PW1, PW3 and PW4. PW2 stated that there was a fight between her and the accused persons on that very day. But now the matter is amicably settled among them.
6. PW-1 also stated that there was misunderstanding between the informant and accused persons. But at present, the dispute is settled among them.
7. PW3 and PW4 stated that the misunderstanding created between the informant and accused persons but now the matter has been settled amicably.
8. Considering testimony of the informant and other witnesses, the prosecution declined to further adduce evidence in this case. Hence, the evidence of prosecution side is closed. Examination of accused persons u/s 313 CrPC dispensed with as the prosecution did not adduce any incriminating evidence against them.
9. 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 persons in furtherance of common intention committed criminal trespass and thereby committed offence u/s 447/34 IPC?**
- b) Whether the accused persons in furtherance of common intention threatened with injury the informant and thereby committed offence u/s 506/34 IPC?**
- c) Whether the accused persons in furtherance of common intention used obscene words to the**

informant in public place and thereby committed offence u/s 294/34 IPC?

PROSECUTION EVIDENCE

Evidence of the informant

10. PW2 is the informant. She stated that there was a fight among the victim and the accused persons on that very day. But now the matter is amicably settled among them. Hence, she does not wish to continue with the case and she has no objection even if the accused persons are acquitted.
11. PW1, PW3 and PW4 stated that there was misunderstanding between her and accused persons. But at present, the dispute has already been settled among them.
12. The defence declined cross examination of PWs.

DISCUSSIONS, DECISIONS AND REASONS THEREOF

13. 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 persons are acquitted of the charges brought against them.
14. As such the prosecution has failed to prove that the accused persons have committed the offences u/s 447/506/294/34 IPC beyond reasonable doubt.

ORDER

15. In light of the above, it is held that the prosecution has failed to prove the case U/S 447/506/294/34 IPC against the accused persons Jaban Ali and Mastafa Ali beyond all reasonable doubt. Hence, they are hereby **acquitted** and set at liberty forthwith.

However, their 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 21st day of January 2022.

Typed by Me:

Smti. Darshana Nath
Judicial Magistrate First Class, Tezpur

APPENDIX

Prosecution Witness:

PW-1: Tuta Miya

PW2: Nazima Begum

PW3: Firuza Khatoon

PW4: Rabija Khatoon

Defence Witness:

NIL

Prosecution Exhibits: Ext 1: FIR

Ext 1(1): Signature of PW2

Defence Exhibits: NIL

Judicial Magistrate First Class, Tezpur.