

**IN THE COURT OF THE CHIEF JUDICIAL MAGISTRATE
TEZPUR. SONITPUR.**

Present: Dr. M Baruah
Chief Judicial Magistrate,
Sonitpur, Tezpur.

G. R. Case No. 1255/2009
U/s 447/294/323/506 IPC

State

Vs

1. Majibur Rahman
2. Amena Khatun
3. Sahura Khatun

..... Accused persons

Appearance:

Counsel for the State : Ms. R. Chakravarti, Sri N Das.

Counsel for the defense : Sri B. Borthakur.

Offence explained on : 14-8-2013.

Evidence recorded on : 21-10-2013

Argument heard on : 7-11-2013.

Judgment delivered on : 7-11-2013.

J U D G M E N T

The prosecution's case in brief is that on 25-10-11 one Miss Parmin Begum filed an ejahar before the O/C, Thelamara PS stating that on the same day at about 6:10 a.m. the hen of the accused persons damaged the cultivation of radish. When the informant told the fact to the accused persons, the accused persons rebuked her by using obscene languages and also pulled her hair. The accused persons also assaulted her by fist and blow and bite her causing injuries.

2. Upon receive of the ejahar, the O/C, Thelamara P S registered a Case being No. 23/11 u/s 447/325/294/506/34 IPC and started investigation. After completion of investigation, police filed

charge sheet against the accused persons Majibur Rahman, Amena Khatun and Sahura Khatun u/s 447/323/294/506/34 IPC.

3. The accused persons appeared before the Court and faced trial. Copy of the prosecution documents were furnished to the accused persons. After hearing learned counsel for both sides, particulars of offence u/s 447/323/294/506/34 IPC explained to the accused persons. The accused persons pleaded not guilty and claimed to be tried.

4. Prosecution adduced evidence of the sole material witness i.e. the informant-cum-victim of this case. As the sole material witness has not supported the case and has not implicated the accused persons with the alleged offence, hence further prosecution's evidence is closed. Recording the statement of the accused persons U/s.313 Cr.P.C. dispensed with.

5. **POINTS FOR DETERMINATION**

- (i) Whether the accused persons, on 25-10-11 at about 6:10 a.m. in furtherance of common intention criminally trespassed into the boundary of the informant?
- (ii) Whether the accused persons, on 25-10-11 at about 6:10 a.m. in furtherance of common intention voluntarily cause hurt to Parmin Begum?
- (ii) Whether the accused persons, on 25-10-11 at about 6:10 a.m. in furtherance of common intention abused Parmin Begum by using obscene words and language to the annoyance of others?
- (iii) Whether the accused persons, on 25-10-11 at about 6:10 a.m. in furtherance of common intention threatened to kill Parmin Begum with dire consequences?

Heard argument of the learned counsel for the prosecution and the defense. Peruse the materials on record.

6. **DECISION, DISCUSSION AND REASONS THEREOF**

The informant Musstt. Parmina Begum deposed as PW-1. She stated that the accused persons are her relative. On the day of occurrence at about 6.00am the hen of the accused caused damage to her radish cultivation. For that reason they had altercation and so she filed a case before the Thelamara Police Station.

During cross examination she stated that they have amicably settled the dispute. She does not want to proceed with the case.

7. From the evidence of the informant cum victim, I found that she did not say anything implicating the accuse persons. She only stated that she had altercation with the accused persons. She did not say that the accused persons voluntarily caused hurt to her. She also did not say that the accused persons trespassed in to her land and threatened her. There is no material that the accused persons have abused her using obscene words in a public place. Therefore I found no materials against the accused persons.

O R D E R

8. Considering the facts and circumstances of this case, I found that the prosecution has failed to prove the case against the accused persons u/s 447/294/323/506/34 IPC beyond reasonable doubt. As a result the accused persons are acquitted and set at liberty. Their bail bonds stand cancelled.

9. The judgment is prepared and typed by me.

10. Set my hand and seal of this Court on this the 7th day of November, 2013.

(Manash Baruah)
Chief Judicial Magistrate,
Sonitpur, Tezpur.