

**APPENDIX -12**

<p style="text-align: center;">IN THE COURT OF JUDICIAL MAGISTRATE FIRST CLASS, SONITPUR, TEZPUR</p> <p style="text-align: center;">Present: <b>Smt. Priyanka Saikia, JMFC</b></p> <p style="text-align: center;">(Date of the Judgment)</p> <p style="text-align: center;"><b>21-09-2022</b></p> <p style="text-align: center;"><b>(CASE NO- G.R. 127/2017)</b></p> <p style="text-align: center;">(Details of FIR/Crime and Police Station)</p>	
Complainant	State of Assam or Pinki Begam
Represented By	Smti. Bandhana Boro, Learned APP
Accused person	Md. Harul Hussain S/o- Lt. Jama Baksh R/o- Kacharigaon P.S.- Tezpur Dist- Sonitpur, Assam
Represented by	M. Islam

**APPENDIX -13**

Date of offence	08-01-2017
Date of FIR	10-01-2017
Date of charge sheet	14-06-2017
Date of offence explanation	04-08-2018
Date of commencement of evidence	24-02-2020
Date on which judgment is reserved	19-09-2022
Date of judgment	21-09-2022
Date of the sentencing order, if any	NIL

**Accused Details**

Rank of Accused	Name of Accused	Date of Arrest	Date of Release on Bail	Offences charged with	Whether acquitted or convicted	Sentence Imposed	Period of Detention undergone during Trial for purpose of Section 438, Cr.P.C.
A-1	Md. Harul Hussain	NIL	19-07-18	Sections 447, 323, 294 of IPC	Acquitted	NIL	NIL

**APPENDIX -14****LIST OF PROSECUTION / DEFENSE / COURT WITNESSES****A. Prosecution:**

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
PW1	Pinki Begam	Informant

**B. Defense Witnesses, if any:**

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
NIL	NIL	NIL

**C. Court Witnesses, if any:**

<b>RANK</b>	<b>NAME</b>	<b>NATURE OF EVIDENCE</b> (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
NIL	NIL	NIL

**LIST OF PROSECUTION/ DEFENSE/ COURT EXHIBITS****A. Prosecution:**

<b>Sr. No</b>	<b>Exhibit Number</b>	<b>Description</b>
NIL	NIL	NIL

**B. Defense:**

<b>Sr. No</b>	<b>Exhibit Number</b>	<b>Description</b>
NIL	NIL	NIL

**C. Court Exhibits:**

<b>Sr. No</b>	<b>Exhibit Number</b>	<b>Description</b>
NIL	NIL	NIL

**D. Material Objects**

<b>Sr. No</b>	<b>Exhibit Number</b>	<b>Description</b>
NIL	NIL	NIL

## **JUDGMENT**

**1.** The informant, Pinki Begam had lodged the ejahar in this case on 09.01.2017 alleging that on 08.01.2017 at about 10.30 PM, the accused person along with his son Mijaul Hussain with sharp weapons had entered informant's boundary and started abusing her and her minor daughter (3 years) and assaulted her. The accused person had broken her household items and taken some cash amount. The accused person threatened informant to dire consequence. Hence, this case.

**2.** Upon receipt of the ejahar, the police registered Tezpur Police Station case no: 61/2017 under Sections 448, 323, 294, 427, 380, 506, 34 of Indian Penal Code, 1860 (hereinafter referred to as IPC). After completion of the investigation the police submitted charge-sheet against accused person under Sections 447, 323, 294 of IPC.

**3.** The accused person entered trial and after furnishing copies of the relevant documents in compliance with Section 207 of Cr.P.C and upon finding sufficient materials against the accused person, offence under Sections 447, 323, 294 of IPC was explained to the accused person to which he pleaded not guilty and claimed to be tried.

**4.** The prosecution examined the informant, Pinky Begum as PW-1 and also exhibited the ejahar. The statement of the accused person under Section 313 of

Cr.P.C was dispensed with due to the lack of incriminating materials against her. Defence declined to adduce evidence. I have heard the arguments for both sides.

**5.** Upon hearing and on perusal of the case record I have framed the following points for determination-

**(I)** Whether on 08.01.2017 at about 10.30 PM, the accused person committed criminal trespass to the house of informant and thereby committed an offence punishable under Section 447 of Indian Penal Code?

**(II)** Whether on 08.01.2017 at about 10.30 PM, the accused person committed voluntarily caused hurt to his daughter and thereby committed an offence punishable under Section 323 of Indian Penal Code?

**(III)** Whether on 08.01.2017 at about 10.30 PM, the accused person, uttered obscene act and word to the informant and thereby committed an offence punishable under Section 294 of Indian Penal Code?

**DISCUSSION, REASONS AND DECISION THEREOF:**

**6.** In the course of the evidence adduced by the prosecution, it emerged that the informant, Pinki Begum as PW-1 has stated that on 08.01.2017, there was a quarrel between accused person and her. She further stated that the matter was amicably settled between them and she has no any grudge upon the accused person. Now she does not want to proceed with the case and if the accused

person is acquitted from the case she has no any objection.

7. Since the informant who launched the prosecution of the accused person, has not incriminated the accused person, the case of the prosecution has fallen flat on its face. Hence, the points for determination are decided in the negative.

**ORDER**

8. Situated thus, accused person acquitted of the offence under Sections 447, 323, 294 of IPC and set at liberty forthwith.

9. The bail bond of the accused person will remain in force for 6 (six) months from today by virtue of Sec. 437A Cr.P.C.

Given under my hand and seal of this court on this 21<sup>st</sup> day of September, 2022 at Sonitpur, Assam.

(Priyanka Saikia, AJS)  
Judicial Magistrate 1<sup>st</sup> Class  
Sonitpur, Tezpur