

IN THE COURT OF JUDICIAL MAGISTRATE FIRST CLASS**Present:** Smt. Darshana Nath, JMFC, SONITPUR, TEZPUR**[Date of the Judgment]**

04.06.2022

[PR Case No 1259 of 2019]

(Details of FIR/ Crime and Police Station)

COMPLAINANT :	STATE OF ASSAM OR Md. Amiruddin S/O- Lt. Javed Ali Vill:- Natun Basti P.S- Dhekiajuli Dist:- Sonitpur, Assam
REPRESENTED BY	Smt. N. Devi, Ld. Addl. P.P
ACCUSED	1. Md. Amir Hussain S/o- Lt. Md. Sahjamal 2. Md. Abed Ali S/o- Md. Hatem Ali

	<p>3. Md. Aher Ali S/o- Md. Hatem Ali</p> <p>4. Md. Nijamuddin S/o- Md. Saher Ali</p> <p>5. Md. Ajimuddin S/o- Md. Saher Ali</p> <p>6. Musstt. Fuljan Begum S/o- Md. Hatem Ali</p> <p>All are R/o:- Vill:- Natun Basti P.S- Dhekiajuli Dist:- Sonitpur, Assam</p>
REPRESENTED BY	Sri Abhisek Saha, Ld. Counsel .

APPENDIX -13

Date of Offence	06-08-2017
Date of FIR.	08-08-2017
Date of Charge-sheet	31-08-2017
Date of Offence Explain	03-12-2021

Date of commencement of evidence	16-12-2021
Date on which judgment is reserved	25-05-2022
Date of the Judgment	04-06-2022
Date of the Sentencing Order, if any	-

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Rank of the 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.
A1	Amir Hussain	Nil	Nil	143/147/294/506	Acquitted	Nil	Nil

				IPC			
A2	Abed Ali	Nil	Nil	143/14 7/294/ 506 IPC	Acquitted	Nil	Nil
A3	Aher Ali	Nil	Nil	143/14 7/294/ 506 IPC	Acquitted	Nil	Nil
A4	Nijamuddin	Nil	Nil	143/14 7/294/ 506 IPC	Acquitted	Nil	Nil
A6	Fuljan Begum	Nil	Nil	143/14 7/294/ 506 IPC	Acquitted	Nil	Nil

APPENDIX -14

**LIST OF PROSECUTION / DEFENCE / COURT
WITNESSES**

A. Prosecution:

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE
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		WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
PW1	Amiruddin	Informant
PW2	Riajuddin	Brother of Informant

B. Defence 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 :

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL

		WITNESS, PANCH WITNESS, OTHER WITNESS)
Nil	Nil	Nil

LIST OF PROSECUTION/ DEFENCE/ COURT EXHIBITS

A. Prosecution:

Sr. No	Exhibit Number	Description
1	Exhibit 1	F.I.R
2	Exhibit 1(1)	Signature of PW1

B. Defence:

Sr. No	Exhibit Number	Description
Nil	Nil	Nil

C. Court Exhibits:

Sr. No	Exhibit Number	Description
Nil	Nil	Nil

D. Material Objects

Sr. No	Exhibit Number	Description
Nil	Nil	Nil

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

PRESENT: DARSHANA NATH, AJS, Tezpur, Sonitpur

PR CASE NO: 1259/19

U/S 143/147/294/506 IPC

STATE

VS.

Amir Hussain and Others

FOR PROSECUTION: Smti. Niva Devi

FOR THE ACCUSED: Shri Abhisek Saha

EVIDENCE RECORDED ON : 25/05/2022

JUDGEMENT DELIVERED ON: 04/06/2022

JUDGMENT

1. The accused persons A1, A2, A3, A4, A5 and A6 stood trial for offences punishable under Sections 143/147/294/506 of Indian Penal Code (hereinafter IPC). The case was abated against A5 as he expired on 02.09.2017.

Information and Investigation

2. The genesis of this case has its roots with the lodging of Ejahar by informant/PW1 on 07/08/2017 wherein he stated that on 06/08/17 at 06.30 pm, the accused persons verbally abused the informant and used obscene words to him. The accused were about to kill his brother on 07/08/2017 at 8 pm near tea estate.
3. The Ejahar was registered as Dhekijuli P.S Case no 706/17 u/s 143/147/294/506/34 IPC. The police after investigation submitted charge sheet against the accused persons under section 143/147/294/506/34 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-1 and other witness as PW2. PW-1 stated that there was a fight among him and the accused persons on that very day. But now the matter is amicably settled among them.
6. PW-2 also stated that there was misunderstanding between the informant and accused persons. But at present, the dispute is settled among them.
7. Considering testimony of the informant and other witness, the prosecution declined to adduce further

evidence in this case. Hence, the evidence of prosecution side is closed. Examination of accused persons u/s 313 CrPC was dispensed with as the prosecution did not adduce any incriminating evidence against them.

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 persons in furtherance of common intention committed unlawful assembly and thereby committed offence u/s 143/34 IPC?**
- b) Whether the accused persons in furtherance of common intention committed rioting and thereby committed offence u/s 147/34 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?**
- d) Whether the accused persons in furtherance of common intention threatened with injury the informant and thereby committed offence u/s 506/34 IPC?**

PROSECUTION EVIDENCE

Evidence of the informant

9. PW1 is the informant. He stated that there was a fight among him and the accused persons on that very day. But now the matter is amicably settled among them. Hence, he does not wish to continue with the case and he has no objection even if the accused persons are acquitted.
10. PW2 stated that there was misunderstanding between him and accused persons. But at present, the dispute has already been settled among them.

The defense declined cross examination of PWs.

DISCUSSIONS, DECISIONS AND REASONS THEREOF

11. 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.
12. As such the prosecution has failed prove that the accused persons have committed the offences u/s 143/147/294/506/34 IPC beyond reasonable doubt.

ORDER

13. In light of the above, it is held that the prosecution has failed to prove the case U/S 143/147/294/506/34

IPC against the accused persons **A1, A2, A3, A4 and A5** 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 28th day of March 2022.

Typed by Me:

Smti. Darshana Nath
Judicial Magistrate First Class, Tezpur

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Smti. Darshana Nath
Judicial Magistrate First Class, Tezpur

