

**APPENDIX -12****IN THE COURT OF JUDICIAL MAGISTRATE FIRST CLASS****Present:** Smt. Darshana Nath, JMFC, SONITPUR, TEZPUR**[Date of the Judgment]**

09.12.2022

[ PR Case No. 337 of 2019]

(Details of FIR/ Crime and Police Station)

<b>COMPLAINANT :</b>	State of Assam Or Md. Abdul Ali S/o Lt. Uchar Ali R/o- Khanamukh, P.S.- Chariduar, Dist.- Sonitpur (Assam)
<b>REPRESENTED BY</b>	Smti Niva Devi, Ld. A.P.P.
<b>ACCUSED</b>	Md. Hamid Ali @ Hakim S/o- Md. Nabab Ali R/o- Khanamukh, P.S.- Chariduar, Dist.- Sonitpur (Assam)
<b>REPRESENTED BY</b>	Kishore Deka and Pinki Prasad, Ld. Counsels.

**APPENDIX -13**

Date of Offence	18-09-2018
Date of FIR.	18-09-2018
Date of Charge-sheet	30-09-2018
Date of Offence Explained	19-11-2019
Date of commencement of evidence	28-11-2022
Date on which judgment is reserved	-
Date of the Judgment	09-12-2022
Date of the Sentencing Order, if any	-

**ACCUSED DETAILS:**

Rank of the Accused	Name of Accused	Date of Arrest	Date of Release on Bail	Offence charged with	Whether Acquitted or convicted	Sentence Imposed	Period of Detention undergone during Trial for purpose of Section 438, Cr.P.C.
A1	Md. Hamid Ali @ Hakim	Nil	Nil	U/S 341/32 3/427 of IPC	Acquitted	Nil	Nil

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

**PRESENT: DARSHANA NATH, AJS,  
Tezpur, Sonitpur**

**P.R. CASE NO. 337/2019  
U/S 341/323/427 IPC**

**STATE**

**VS.**

**Md. Hamid Ali @ Hakim**

FOR PROSECUTION : Smti. Niva Devi, Ld.A.P.P.

FOR THE ACCUSED : Kishore Deka and Pinki Prasad, Ld.  
Counsels.

EVIDENCE RECORDED ON : 28-11-2022

ARGUMENT HEARD ON : 28-11-2022

JUDGEMENT DELIVERED ON: 09-12-2022

**JUDGMENT**

1. The accused person A1 stood trial for offences punishable under Sections 341/323/427 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 on 18/09/2018 wherein he stated that on 18/09/2018 at around 6:30 pm. The accused physically assaulted son of the informant and injured him.
3. The Ejahar was registered as Chariduar P.S Case no 278/18 u/s 341/323/427 IPC. The police after investigation submitted charge sheet against the accused person under section 341/323/427 IPC.

### **Trial**

4. Cognizance was taken of the charge sheeted offences and processes were issued upon which the accused person appeared and copy of the relevant documents were furnished to him in compliance with section 207 of Code of Criminal Procedure (hereinafter referred as CrPC). Particulars of offences are explained to the accused person to which he pleaded not guilty and claimed to be tried.
5. In this case, the prosecution has examined the informant as PW-1 and Victim as PW2. PW-1 and PW-2 stated that there was an argued and fight among PW-2 and the accused person on that very day. But now the matter is amicably settled among them.
6. PW-2 also stated that at present, the dispute is settled among them.
7. Considering testimony of the informant and victim, the prosecution declined to further adduce evidence in this case. Hence, the evidence of prosecution side is closed. Examination of accused person u/s 313 CrPC was dispensed with as the prosecution did not adduce any incriminating evidence against him.

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 person wrongfully restraint the victim and thereby committed offence u/s 341 IPC?**

**b) Whether the accused person voluntarily caused hurt to the victim and thereby committed offence u/s 323 IPC?**

**c) Whether the accused person caused mischief and thereby committed an offence punishable u/s 427 IPC?**

### **PROSECUTION EVIDENCE**

#### **Evidence of the informant**

9. PW1 is the informant. He stated that there was an argued and fights among his son and the accused person 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 person is acquitted.
10. PW2 stated that at present, the dispute has already been settled among them.

11. The defense declined cross examination of PWs.

**DISCUSSIONS, DECISIONS AND REASONS THEREOF**

12. Upon a perusal of the evidence, it is clear that the informant in this case does not wish to proceed with the case. Now the matter has been resolved among the two parties amicably and he has no issue if the accused person is acquitted of the charges brought against him.

13. As such the prosecution has failed prove that the accused person has committed the offences u/s 341/323/427 IPC beyond reasonable doubt.

**ORDER**

14. In light of the above, it is held that the prosecution has failed to prove the case U/S 341/323/427 IPC against the accused persons **A1** beyond all reasonable doubt. Hence, he is hereby **acquitted** and set at liberty forthwith.

However, his bail bond 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 09<sup>th</sup> day of December, 2022.

Typed by Me:

Smti. Darshana Nath  
Judicial Magistrate First Class, Tezpur

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

<b>RANK</b>	<b>NAME</b>	<b>NATURE OF EVIDENCE</b> (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
PW1	Md. Abdul Ali	Informant
PW2	Akhtar Hussain	Victim

**B. Defence 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



**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/ DEFENCE/ COURT EXHIBITS****A. Prosecution:**

<b>Sr. No</b>	<b>Exhibit Number</b>	<b>Description</b>
1	Exhibit P1/PW1	FIR
2	Exhibit P1(1)/PW1	Signature of PW1

**B. Defence:**

<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

Smti. Darshana Nath  
Judicial Magistrate First Class, Tezpur