

IN THE COURT OF JMFC-20,  
SONITPUR, TEZPUR

Present: **Shri Vishek Bhuyan,**  
**AJS**

[Date of the Judgment]  
**29-11-2022**

[PR Case No : 538/2019]  
[G.R Case No. 3559/2018]

(Details of FIR/ Crime and Police Station)

Complainant :	STATE OF ASSAM  OR  Musstt. Sulema Khatun
REPRESENTED BY	Learned A.P.P Sri Niranjan Saikia
ACCUSED PERSONS	A1. Musstt. Achma Begum W/o- Md. Rustom Ali A2. Md. Majnur Ali S/o- Lt. Abul Ali A3. Musstt. Reshma Begum W/o- Md. Yasin Ali All are of vill- Niz Garubandha P.S- Missamari, District- Sonitpur
REPRESENTED BY	F. Haque, A. Dutta, B. Tamuli, T. Biswakarma, D. Bhowmick.

**FORM B**

Date of Offence	10.09.2018
Date of FIR.	18.09.2018
Date of Charge-sheet	30.09.2018
Date of offence explained	24.06.2022
Date of commencement of evidence	15.10.2022
Date on which judgment is reserved	NIL
Date of the Judgment	29.11.2022
Date of the Sentencing Order, if any	NIL

**Accused Details**

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. Musstt. Achma Begum	NA	21.11.2019	448/294/506/34	Acquitted	NIL	
	A2. Md. Majnur Ali	NA	21.11.2019	448/294/506/34	Acquitted	NIL	
	A3. Musstt. Reshma Begum	NA	12.05.2022	448/294/506/34	Acquitted	NIL	

**Form C****A. Prosecution**

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
PW1	Sulema Khatoon	Other witness (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
NIL	NIL	NIL

**A. Defence:**

Sr. No	Exhibit Number	Description
NIL	NIL	NIL

**A. Court Exhibits**

Sr. No	Exhibit Number	Description
NIL	NIL	NIL

**A. Material Objects:**

Sr. No	Material Object Number	Description
NIL	NIL	NIL

**IN THE COURT OF JUDICIAL MAGISTRATE FIRST  
CLASS**

**TEZPUR, ASSAM**

**P.R CASE NO : 538 of 2019**

**G.R CASE NO: 3559 OF 2018**

**U/Sec 448/294/506/34 of the Indian Penal Code**

State of Assam

.....PROSECUTOR

**-Vs-**

**A1. Musstt. Achma Begum**

W/o- Md. Rustom Ali

**A2. Md. Majnur Ali**

S/o- Lt. Abul Ali

**A3. Musstt. Reshma Begum**

W/o- Md. Yasin Ali

All are of vill- Niz Garubandha

P.S- Missamari, District- Sonitpur

.....ACCUSED PERSONS

**PRESENT: VISHEK BHUYAN, LL.M, AJS**  
**JUDICIAL MAGISTRATE FIRST CLASS, TEZPUR**

FOR PROSECUTION: LD. APP. Sri Niranjan Saikia

FOR DEFENCE: F. Haque, A. Dutta, B. Tamuli, T.  
Biswakarma, D. Bhowmick.

EVIDENCE RECORDED: 15.10.2022

ARGUMENTS HEARD ON: 22.11.2022

JUDGEMENT DELIVERED ON: 29.11.2022

**JUDGMENT**

1. The accused persons Musstt. Achma Begum, Reshma Begum and Majnur Ali stood trial for offences punishable under Sections 448/294/506/34 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 Sulema Khaton who stated that on 10.09.2018 at about 6 AM the accused persons came to her house and verbally abused her by using obscene words and also threatened her. Hence this case.

3. The Ejahar was received and registered as Missamari P.S Case no. 154/2017 U/s 448/294/506/34 of IPC. The police after investigation submitted charge sheet against the accused persons under Section 448/294/506/34 of IPC.

**Trial**

4. Cognizance was taken of the Charge sheeted offences and processes were issued upon which the accused persons appeared and copies of the relevant documents were furnished to them in compliance with section 207 of Code of Criminal Procedure (hereinafter referred as Cr.P.C). Accordingly, charge under the aforesaid section have been framed against the accused persons and the same have been 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. Considering testimony of the informant, 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 Cr.P.C dispensed with as the prosecution did not adduce any implicating evidence against them.

6. After hearing the learned Counsel of both sides and after perusal of the case record, I do hereby frame the following point of determination.

**POINT FOR DETERMINATION**

***i) Whether the accused persons with an common intention on 10.09.2018 at about 6 AM committed criminal trespass into the house of the informant and thereby committed an offence punishable U/s 448/34 of IPC ?***

***ii) Whether the accused persons with an common intention on the same date and time verbally abused the informant with obscene words in a public place and thereby committed an offence punishable U/s 294/34 of IPC ?***

***iii) Whether the accused persons with an common intention on the same date and time threatened the informant with dire consequence and thereby committed an offence punishable U/s 506/34 of IPC ?***



**PROSECUTION EVIDENCE**  
**Evidence of the informant**

7. **P.W 1 Sulema Khatoon** stated that she is the informant. She knows the accused persons. They are her relative. The incident took place in the year 2018. A quarrel took place at about 6 AM due to some misunderstanding. Consequently, she filed the ejahar. Presently, the matter had been settled between them. **In the cross examination** she states that she filed this case due to misunderstanding. she has no objection if the accused persons are acquitted from the case.

**DISCUSSIONS, DECISIONS AND REASONS**  
**THEREOF**

8. Upon perusal of the evidence it is seen that the case was lodged in due to some misunderstanding but since then the matter has been settled between them amicably and the informant does not wish to proceed with the case. Further, the informant has no objection if the accused persons are acquitted from this case.

9. As such the prosecution has failed to prove that the accused persons have committed the offences under sections 448/294/506/34 of IPC beyond reasonable doubt.

**ORDER**

In light of the above, it is held that the prosecution has failed to prove the case U/s 448/294/506/34 of IPC against the accused persons Musstt. Achma Begum, Reshma Begum and Majnur Ali beyond all reasonable doubt. Hence, they are hereby **acquitted** and set at liberty forthwith.

However, their bail bond shall remain in force for a period of next 6 (six) months as provided by section 437A Cr.P.C.

Given in my hand and under the seal of this court on this the 29<sup>th</sup> day of November, 2022.

Typed by Me:

Sri Vishek Bhuyan

Judicial Magistrate First Class, Tezpur

**APPENDIX**

**Prosecution Witness:**

PW-1: Sulema Khatoon

**Defence Witness:**

NIL

**Prosecution Exhibits:**

NIL

**Defence Exhibits:**

NIL

Sri Vishek Bhuyan

Judicial Magistrate First Class, Tezpur.