

APPENDIX -12

IN THE COURT OF JUDICIAL MAGISTRATE FIRST CLASS, SONITPUR, TEZPUR Present: Smt. Priyanka Saikia, JMFC (Date of the Judgment) 21-11-2022 (CASE NO- P.R. 613/2022) (Details of FIR/Crime and Police Station)	
Complainant	State of Assam or Farida Khatun
Represented By	Smti. Bandana Baro, Learned APP
Accused persons	1. Runama Begum W/o- Md. Jeharul Islam @ Jahar 2. Md. Jeharul Islam @ Jahar S/o- Lt. Rahimuddin 3. Sabna Begum W/o- Md. Azizul Hoque All are of village No. 1 Dolabari P.S.- Tezpur Dist- Sonitpur, Assam
Represented by	Shri Debashis Borah

APPENDIX -13

Date of offence	27-08-2021
Date of FIR	31-08-2021
Date of charge sheet	15-12-2021
Date of offence explanation	15-06-2022
Date of commencement of evidence	21-11-2022
Date on which judgment is reserved	21-11-2022
Date of judgment	21-11-2022
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	Runama Begum	NIL	10-05-22	Sections 341, 294, 506, 34 of IPC	Acquitted	NIL	NIL
A-2	Md. Jeharul Islam @ Jahar	NIL	10-05-22	Sections 341, 294, 506, 34 of IPC	Acquitted	NIL	NIL
A-3	Sabna Begum	NIL	10-05-22	Sections 341, 294, 506, 34 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	Farida Khatun	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:

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

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

Sr. No	Exhibit Number	Description
NIL	NIL	NIL

B. Defense:

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

JUDGMENT

1. The informant, Farida Khatun had lodged the ejahar in this case on 30-08-2021 alleging that on 27-08-2021 at about 04.00 P.M. when her son came back from Dolabari Centre, A-1, A-2 and A-3 obstructed his path and assaulted him. When the informant went there, A-1, A-2 and A-3 also assaulted her and started uttering obscene language towards the informant. A-1, A-2 and A-3 also threatened her to dire consequence. Hence, this case.

2. Upon receipt of the ejahar, the police registered Tezpur Police Station case no: 1848/2021 under Sections 341, 323, 294, 506, 34 of Indian Penal Code, 1860 (hereinafter referred to as IPC). After completion of the investigation the police submitted charge-sheet against A-1, A-2 and A-3, under Sections 341, 294, 506, 34 of IPC.

3. A-1, A-2 and A-3 entered trial and after furnishing the copies of the relevant documents in compliance with Section 207 of Cr.P.C and upon finding sufficient materials against them, offence under Sections 341, 294, 506, 34 of IPC was explained to them to which they pleaded not guilty and claimed to be tried.

4. The prosecution examined the informant, Farida Khatun as PW-1. The statement of A-1, A-2 and A-3 under Section 313 of Cr.P.C was dispensed with due to the lack of incriminating materials against them. 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 27-08-2021 at about 04.00 PM A-1, A-2 and A-3 in furtherance of their common intention, wrongfully restrained the informant's minor son and thereby committed an offence punishable under Sections 341, 34 of Indian Penal Code?

(II) Whether, on 27-08-2021 at about 04.00 PM A-1, A-2 and A-3 in furtherance of their common intention, made obscene act and word to the informant and thereby committed an offence punishable under Sections 294, 34 of Indian Penal Code?

(III) Whether, on 27-08-2021 at about 04.00 PM A-1, A-2 and A-3 in furtherance of their common intention threatened the informant along with her father and thereby committed an offence punishable under Sections 506, 34 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, Farida Khatun, who was examined as PW-1 has stated that the instant case was filed due to misunderstanding. She further stated that now the matter has been amicably settled out of court

and she did not want to proceed with the case and if A-1, A-2 and A-3 gets acquitted from the case she does not have any objection.

7. Since the informant who launched the prosecution of A-1, A-2 and A-3 has not incriminated them, 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, A-1, A-2 and A-3 are acquitted of the offence under Sections 341, 294, 506, 34 of IPC and set at liberty forthwith.

9. The bail bond of A-1, A-2 and A-3 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 21st day of November, 2022 at Sonitpur, Assam.

(Priyanka Saikia, AJS)
Judicial Magistrate 1st Class
Sonitpur, Tezpur