

IN THE COURT OF JMFC-20,  
SONITPUR, TEZPUR

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

[Date of the Judgment]  
**15-11-2022**

[PR Case No : 886 of 2021]  
[GR Case No : 453 of 2020]

(Details of FIR/ Crime and Police Station)

Complainant :	STATE OF ASSAM OR Rumi Begum
REPRESENTED BY	Learned A.P.P Sri Niranjan Saikia
ACCUSED PERSON	Md. Makched Hussain S/o- Md. Jagir Hussain Resident of Vill- Dhekiajuli, Ward no. 1 P.S- Dhekiajuli, Sonitpur
REPRESENTED BY	Ld. Counsel S. Begum

**FORM B**

Date of Offence	08.02.2020
Date of FIR.	09.02.2020
Date of Charge-sheet	29.02.2020
Date of offence explained	21.09.2022
Date of commencement of evidence	10.10.2022
Date on which judgment is reserved	NIL
Date of the Judgment	15.11.2022
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.
	Md. Makchud Husain	NA	23.02.2022	341/352/336	Acquitted	NIL	

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

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
PW1	Rumi Begum	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
1	Exhibit P 1	Ejahaar
2	Exhibit P 1 (1)	Signature of informant

**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: 886 OF 2021**

**G.R CASE NO: 453 OF 2020**

**U/Sec 341/352/336 of the Indian Penal Code**

State of Assam

.....PROSECUTOR

**-Vs-**

**Md. Makched Hussain**

S/o- Md. Jagir Hussain

Resident of Vill- Dhekiajuli, Ward no. 1

P.S- Dhekiajuli, Sonitpur

.....ACCUSED PERSON

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

FOR PROSECUTION: LD. APP. Sri Niranjan Saikia

FOR DEFENCE: Ld. Counsel S. Begum

EVIDENCE RECORDED: 10.10.2022

ARGUMENTS HEARD ON: 15.11.2022

JUDGEMENT DELIVERED ON: 15.11.2022

**JUDGMENT**

**1.** The accused person Md. Makched Hussain namely stood trial for offences punishable under Sections 341/352/336 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 Miss Rumi Begum wherein she stated that on 08.02.2020 at about 11 AM, the accused person physically assaulted her son. And when she tried to intervene the accused person also attacked her and her daughter by pelting stones. Hence this case.

**3.** The Ejahar was received and registered as Dhekiajuli P.S Case no. 75/2020 U/s 341/385/323/336/34 of IPC. The police after investigation submitted charge sheet against the accused person under Section 341/352/336 of IPC.

### **Trial**

4. Cognizance was taken of the Charge sheeted offences and processes were issued upon which the accused person appeared and copies of the relevant documents were furnished to him in compliance with section 207 of Code of Criminal Procedure (hereinafter referred as Cr.P.C). The particulars of offence were framed against the accused person and the same has been 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. 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 person u/s 313 Cr.P.C dispensed with as the prosecution did not adduce any implicating evidence against him.

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 on 08.02.2020 at 11 AM wrongfully and voluntarily obstructed the informant and her son from proceeding and thereby committed an offence punishable U/s 341 of IPC ?***

***ii) Whether the accused persons on the same date and time physically assaulted the informant by criminal force and thereby committed an offence punishable U/s 352 of IPC ?***

***iii) Whether the accused persons on the same date and time endangered the life and safety of the informant and her son and thereby committed an offence punishable U/s 336 of IPC ?***

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

1. **P.W 1 Rumi Begum** states that she is the informant and she knows the accused persons.

The incident took place in 2020 near her house. A misunderstanding took place regarding some money transaction between her son Kundan Rahman and the accused. Due to the misunderstanding pushing and soveing took place between them, her daughter Sama Begum, her son and the accused person. Presently, the matter has been settled amount them amicably. **In the cross examination** she stated that regarding the incident the accused persons also filed a case against them. That the case was settled in Lok Adalat. 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 among them amicably and the informant does not wish to proceed with the case. Further, the informant has no objection if the accused person is acquitted from this case.

9. As such the prosecution has failed to prove that the accused person has committed the offences under sections 341/352/336 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 341/352/336 of IPC against the accused person namely Makched Hussain beyond all reasonable doubt. Hence, he is 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 15<sup>th</sup> day of November, 2022.

Typed by Me:

Sri Vishek Bhuyan

Judicial Magistrate First Class, Tezpur

**APPENDIX**

**Prosecution Witness:**

PW-1: Rumi Begum

**Defence Witness:**

NIL

**Prosecution Exhibits:**

1. Exhibit P 1 - Ejahar
2. Exhibit P 1 (1) - Signature of informant.

**Defence Exhibits:**

NIL

Sri Vishek Bhuyan

Judicial Magistrate First Class, Tezpur.