

APPENDIX-12**IN THE COURT OF CHIEF JUDICIAL MAGISTRATE, SONITPUR****TEZPUR**

Present:- Sri Nabajit Bhatta. AJS. MA, LL.B.
Chief Judicial Magistrate,
Sonitpur, Tezpur

[Date of the Judgment]
17.12.2022

[PR Case No-1091 of 2018]

(FIR NO-1131/2018 DATED-01.06.2018/WRONGFUL RESTRAINT/VOLUNTARILY CAUSING HURT/CRIMINAL INTIMIDATION CASE AND TEZPUR POLICE STATION)

COMPLAINANT :	STATE OF ASSAM OR Must. Halima Begum, W/O:- Md. Habibur Rahman, R/O:- No-1 Dolabari, P/S:- Tezpur, Dist:- Sonitpur, Assam
REPRESENTED BY	Mrs. Karabi Das, Ld. Asst. P.P
ACCUSED PERSONS	<p>1. Must. Mamoni Begum @ Afsara Begum, W/O:- Md. Badorul, R/O:- No-1 Dolabari, P/S:- Tezpur, Dist:- Sonitpur, Assam</p> <p>2. Must. Julekha Begum W/O:- Md. Ramesh Ali, R/O:- No-1 Dolabari, P/S:- Tezpur, Dist:- Sonitpur, Assam</p> <p>3. Must. Mamoni Begum W/O:- Md. Sikandar Ali, R/O:- No-1 Dolabari, P/S:- Tezpur, Dist:- Sonitpur, Assam</p>

	<p>4. Md. Mukundar Hussain S/O:- Late Abdul Jalil, R/O:- No-1 Dolabari, P/S:- Tezpur, Dist:- Sonitpur, Assam</p> <p>5. Md. Babul Hussain S/O:- Late Abdul Jalil, R/O:- No-1 Dolabari, P/S:- Tezpur, Dist:- Sonitpur, Assam</p>
REPRESENTED BY	Mrs. Anjali Kalita, Ld. Counsel

APPENDIX-13

Date of Offence	On or before 01.06.2018
Date of FIR	01.06.2018
Date of Charge Sheet	15.06.2018
Date of Offence Explanation	01.10.2019
Date of commencement of evidence	17.12.2022
Date on which judgment is reserved	17.12.2022
Date of Judgment	17.12.2022
Date of the Sentencing Order, if any	NIL

ACCUSED DETAILS :

Rank of the Accused	Name of the accused	Date of Arrest	Date of Release on Bail	Offences charged with	Whether acquitted or convicted	Sentenced Imposed	Period of Detention undergone during Trial for purpose of Sec. 428 Cr.P.C.
A-1	Must. Mamoni Begum @ Afsara Begum	NIL	NIL	Sec-341/323/506/34 of IPC	Acquitted	NIL	NIL
A-2	Must. Julekha Begum	NIL	NIL	Sec-341/323/506/34 of IPC	Acquitted	NIL	NIL
A-3	Must. Mamoni Begum	NIL	NIL	Sec-341/323/506/34 of IPC	Acquitted	NIL	NIL
A-4	Md. Mukundar Hussain	NIL	NIL	Sec-341/323/506/34 of IPC	Acquitted	NIL	NIL
A-5	Md. Babul Hussain	NIL	NIL	Sec-341/323/506/34 of IPC	Acquitted	NIL	NIL

IN THE COURT OF CHIEF JUDICIAL MAGISTRATE, SONITPUR::
TEZPUR

P. R. Case No-1091 of 2018

State of Assam

-Vs-

1. Must. Mamoni Begum @ Afsara Begum
2. Must. Julekha Begum
3. Must. Mamoni Begum
4. Md. Mukundar Hussain
5. Md. Babul Hussain

.....Accused Persons

Under section-341/323/506/34 of I.P.C

Present:

Sri Nabajit Bhatta AJS. MA, LL.B.
Chief Judicial Magistrate, Sonitpur at Tezpur

17th day of December, 2022

Mrs. K. Das, Asst. P.P Advocate for the State
Mrs. A. Kalita, Ld. Counsel Advocate for the Accused

Date of Hearing : 17.12.2022
Date of Argument : 17.12.2022
Date of Judgment : 17.12.2022

J U D G M E N T

1. Prosecution story in brief is as follows that the informant, namely, Must. Halima Begum lodged an FIR before O/C of Tezpur Police Station to the effect that while she was coming the accused persons, namely, Must. Mamoni Begum @ Afsara Begum, Must. Julekha Begum, Must. Mamoni Begum, Md. Mukundar Hussain and Md. Babul Hussain have wrongfully restrained her on the village road and thereafter, physically assaulted her

and also threatened her to kill. Thereafter, some women managed to save from the accused persons. Hence, the prosecution case.

2. The instant case was registered under section-341/323/506/34 of the Indian Penal Code and police investigated the same. After completion of investigation police submitted charge-sheet against the above-named accused persons under section-341/323/506/34 of I.P.C.
3. That my Ld. Predecessor in office took cognizance of the offence against the accused persons. On appearance of the accused persons, copies of relevant documents were furnished to accused persons and particulars of offences under section-341/323/506/34 of Indian Penal Code were read over and explained to accused persons by my Ld. Predecessor in office to which they pleaded not guilty and claimed to be tried.
4. Prosecution in order to prove the case has examined only the informant-cum-victim in support of this case. Defence plea was total denial. Defence has adduced no evidence. Statements of the accused persons has been not recorded U/S-313 of Cr. P.C as there is nothing implicating found against the accused persons from the evidence of informant-cum-victim.
5. **POINTS FOR DETERMINATION:-**

(i.) Whether the accused persons on or before 01.06.2018 at a place called Dolabari No-1 under Tezpur PS in furtherance of their common intention have wrongfully restrained the informant, namely, Must. Halima Khatoon on the road and thereby committed an offence punishable under section-341/34 of Indian Penal Code?

(ii.) Whether the accused persons on the same day and place in furtherance of their common intention have voluntarily caused hurt to the informant n and thereby committed an offence punishable under section-323/34 of Indian Penal Code?

(iii.) Whether the accused persons on the same date and place in furtherance of their common intention have threatened the informant-cum-victim namely, Must. Halima Begum with dear consequences of her life and thereby committed an offence punishable under section-506/34 Indian Penal Code?

6. Heard argument from the Ld. Advocate of the accused persons. On perusal of the evidence on record and case diary the very findings are as follows.

DISCUSSION, DECISION AND REASONS THEREOF

7. The prosecution opening the account of examining the witnesses first brought the informant, namely, Must. Halima Begum as PW-1. The PW-1 has stated in her evidence-in-chief that she knows the accused persons and they are her neighbours. She also stated that the incident took place in the year 2018 and on the day of incident, an altercation took place between her and the accused persons when she was coming on village road. She further stated that during the scuffle she sustained little injury on her breast by falling on the road. After that she lodged the ejarah against the accused persons wherein she put her thumb impression. She also stated that thereafter, they have amicably settled the case outside the court and so that she does not want to proceed further against the accused persons. In cross-examination, PW-1 has stated that she has no objection if the accused persons are released by the court.
8. I have minutely perused the evidence on record including the cross-examination of the witness. From the above discussions, no sufficient incriminatory materials have been found against the accused persons. Thus, keeping view of what has been discussed above this court has no least hesitation that the prosecution has failed miserably to establish the guilt of the accused persons U/S: 341/323/506/34 of I.P.C. Hence, the accused persons, namely, Must. Mamoni Begum @ Afsara Begum, Must.

Julekha Begum, Must. Mamoni Begum, Md. Mukundar Hussain and Md. Babul Hussain are not found guilty.

ORDER

Accused persons, namely, Must. Mamoni Begum @ Afsara Begum, Must. Julekha Begum, Must. Mamoni Begum, Md. Mukundar Hussain and Md. Babul Hussain are acquitted from the Charges under section-341/323/506/34 of Indian Penal Code and set at liberty forthwith.

Bail-bonds of the accused persons are extended for six months in view of section-437A of Cr PC.

Judgment is prepared and pronounced in open court. Given under my hand & seal of this court on this 17th day of December, 2022 at Tezpur.

(Sri Nabajit Bhatta)
Chief Judicial Magistrate,
Sonitpur: Tezpur

Dictated and Corrected by me

Chief Judicial Magistrate,
Sonitpur: Tezpur

APPENDIX -14
LIST OF PROSECUTION/DEFENCE/COURT WITNESSES

A. Prosecution:

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
PW-1	Must. Halima Begum	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

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

Chief Judicial Magistrate,
Sonitpur: Tezpur