

**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]  
**23.11.2022**

**[PR Case No-1217 of 2018]**

(FIR NO-855/2018 DATED-28.04.2018/WRONGFUL RESTRAINT/ VOLUNTARILY  
CAUSING HURT/ OBSCENE ACTS AND SONGS/CRIMINAL INTIMIDATION CASE AND  
TEZPUR POLICE STATION)

COMPLAINANT :	STATE OF ASSAM OR Md. Ajijur Rahman, S/O:- Late Abdul Hamid, R/O:- Jahajduba, P/S:- Tezpur, Dist:- Sonitpur, Assam
REPRESENTED BY	Mrs. Karabi Das, Ld. Asst. P.P
ACCUSED PERSONS	1. Md. Azizul Haque, S/O:- Late Hazarat Ali, R/O:- Jahajduba, P/S:- Tezpur, Dist:- Sonitpur, Assam  2. Md. Abdul Kadir S/O:- Md. Abdul Latif, R/O:- Jahajduba, P/S:- Tezpur, Dist:- Sonitpur, Assam  3. Md. Abdul Kasem S/O:- Md. Abdul Latif, R/O:- Jahajduba, P/S:- Tezpur, Dist:- Sonitpur, Assam
REPRESENTED BY	Mr. Kishor Deka, Ld. Counsel

**APPENDIX-13**

Date of Offence	26.04.2018
Date of FIR	27.04.2018
Date of Charge Sheet	31.05.2018
Date of Offence Explanation	20.10.2019
Date of commencement of evidence	05.03.2022
Date on which judgment is reserved	23.11.2022
Date of Judgment	23.11.2022
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	Md. Azizul Haque	NIL	NIL	Sec-341/323/294/506 of IPC	Acquitted	NIL	NIL
A-2	Md. Abdul Kadir	NIL	NIL	Sec-341/323/294/506 of IPC	Acquitted	NIL	NIL
A-3	Md. Abdul Kasem	NIL	NIL	Sec-341/323/294/506 of IPC	Acquitted	NIL	NIL

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

**P. R. Case No-1217 of 2018**

State of Assam

-Vs-

1. Md. Azizur Haque
2. Md. Abdul Kasem
3. Md. Abdul Kadir

.....Accused Persons

Under section-341/323/294/506 of I.P.C

*Present:*

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

23<sup>rd</sup> day of November, 2022

Mrs. K. Das, Asst. P.P ..... Advocate for the State

Mr. K. Deka, Ld. Counsel ..... Advocate for the Accused

Date of Hearing : 05.03.2022 & 23.11.2022

Date of Argument : 23.11.2022

Date of Judgment : 23.11.2022

**J U D G M E N T**

1. Prosecution story in brief is as follows that informant, namely, Md. Ajijur Rahman lodged an FIR before the O/C of Tezpur Police Station through In-charge of Borghat Police Outpost to the effect that due to previous enmity accused persons, namely, Md. Azizur Haque, Md. Abdul Kasem and Md. Abdul Kadir on 26.04.2018 at about 04:00 PM have wrongfully restrained the son of his uncle namely, Md. Sahed Ali in a field and also physically assaulted him and due to that he sustained injuries. It is also stated that the above-named accused persons also used obscene words towards said Sahed Ali and took away Rs.1800/- from his pocket and

further threatened him of dire consequences of his life. Hence, the prosecution case.

2. The instant case was registered under section-341/323/294/427/379/34 of I.P.C. and police investigated the same. After completion of the investigation police submitted charge-sheet against the accused persons under section-341/323/294/506 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-341/323/294/506 of I.P.C. were read over and explained to the accused persons 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 two numbers of witnesses including informant in support of this case. Defence plea was total denial. Defence has adduced no evidence. Statement of accused persons have been recorded U/S-313 of Cr. P.C.
5. **POINTS FOR DETERMINATION:-**
  - (i.) Whether the accused persons on 26.04.2018 at about 04:00 AM at Jahajduba under Tezpur PS wrongfully restrained Sahed Ali in a field and thereby committed an offence punishable u/s-341 of Indian Penal Code?
  - (ii.) Whether the accused persons on the same date, time and place caused hurt to the victim, namely, Sahed Ali and thereby committed an offence punishable under section-323 of Indian Penal Code?
  - (iii.) Whether the accused persons on the same date, time and place has uttered obscene words and language towards the victim and thereby committed an offence punishable under section-294 of Indian Penal Code?
  - (iv.) Whether the accused person on the same date, time and place criminal intimidation by threatening the

victim with injury to his person and thereby committed an offence punishable u/s-506 of the 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 witness, namely, Md. Babul Hussain as PW-1. The PW-1 has stated in his evidence-in-chief that he knows the informant and the accused persons of this case. He stated that 3/4 years back one day he heard that between the informant and the accused persons quarrel took place. He also stated that he has not seen any incident. He knows this much only. The cross-examination of PW-1 was declined by defence side.
8. PW-2, Md. Ajijur Rahman being the informant of this case has stated that he knows the accused persons of this case. He also stated that in the year 2019 one day, an altercation took place between his elder brother Sahed Ali and the accused over some money transactions. He further stated that during scuffle his elder brother Sahed Ali sustained little injury due to fall on the ground. After that he lodged the ejahar against the accused persons out of misunderstanding. He identified his ejahar as P. Ext-1 wherein he put his signature as P. Ext-1(1). He stated that later on they have amicably settled their dispute. In cross-examination, PW-1 has stated that he has no objection if the accused persons are released by the court.
9. I have minutely perused the evidences 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: 341/323/294/506 of I.P.C. Hence, the accused persons, namely, Md. Azizur Haque, Md. Abdul Kasem and Md. Abdul Kadir are not found guilty.

**ORDER**

Accused persons, namely, Md. Azizur Haque, Md. Abdul Kasem and Md. Abdul Kadir are acquitted from the Charges under section-341/323/294/506 of I.P.C. and set at liberty forthwith.

Bail-bond of the accused person is 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 23<sup>rd</sup> day of November, 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:**

<b>RANK</b>	<b>NAME</b>	<b>NATURE OF EVIDENCE</b> (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
PW-1	Md. Babul Hussain	OTHER WITNESS
PW-2	Md. Ajjur Rahman	INFORMANT

**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	Ext-1/PW-2	Ejhar
2	Ext-1(1)	Signature of PW-2

**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

Chief Judicial Magistrate,  
Sonitpur: Tezpur