

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]

02.11.2022

[PR Case No-252 of 2018]

(FIR NO-122/2018 DATED-18.01.2018/ CRIMINAL TRESPASS/OBSCENE ACT CASE
AND TEZPUR POLICE STATION)

COMPLAINANT :	STATE OF ASSAM OR Md. Jahur Uddin, S/O:- Late Samir Uddin, R/O:- Gotlong Da-Gaon, P/S:- Tezpur, Dist:- Sonitpur, Assam
REPRESENTED BY	Mrs. Karabi Das, Ld. Asst. P.P
ACCUSED PERSONS	Md. Sahjahan Ali, S/O:- Late Suruj Ali, R/O:- Gotlong Da-Gaon, P/S:- Tezpur, Dist:- Sonitpur, Assam
REPRESENTED BY	Mr. Abdul Aziz, Ld. Senior Counsel

APPENDIX-13

Date of Offence	17.01.2018
Date of FIR	18.01.2018
Date of Charge Sheet	31.01.2018
Date of Offence Explanation	23.09.2022
Date of commencement of evidence	02.11.2022
Date on which judgment is reserved	02.11.2022
Date of Judgment	02.11.2022
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. Sahjahan Ali	NIL	NIL	Sec-448/294 of IPC	Acquitted	NIL	NIL

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

P. R. Case No-252 of 2018

State of Assam
-Vs-
Md. Sahjahan Ali

.....Accused Person

Under section-448/294 of I.P.C

Present:

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

02nd day of November, 2022

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

Date of Hearing : 02.11.2022
Date of Argument : 02.11.2022
Date of Judgment : 02.11.2022

J U D G M E N T

1. Prosecution story in brief is as follows that on 18.01.2018 informant, namely, Md. Jahur Uddin lodged an FIR before the O/C of Tezpur Police Station through In-charge of Mahabhoirab Police Outpost to the effect that on 17.01.2018 at about 11:45 PM, when he was sleeping after taking food at night, the accused person due to previous enmity had illegally entered into his house and grabbed his neck with intend to kill him. Thereafter, he raised hue and cry and on hearing the same his family members came out and save his life. Hence, the case.
2. The instant case was registered under section-448/352/323 of I.P.C. and police investigated the same. After completion of the investigation police

submitted charge-sheet against the accused person, namely, Md. Sahjahan Ali under section-448/294 of I.P.C.

3. That my Ld. Predecessor in office took cognizance of the offence against the accused person. On appearance of the accused person copies of relevant documents were furnished to accused person and particulars of offences under section-294/448 of I.P.C. were read over and explained to the accused person to which he pleaded not guilty and claimed to be tried.
4. Prosecution in order to prove the case has examined the informant in support of this case. Defence plea was total denial. Defence has adduced no evidence. Statement of the accused person has been recorded U/S-313 of Cr. P.C.

5. **POINTS FOR DETERMINATION:-**

- (i.) Whether the accused person on 17.01.2018 at about 11:45 PM at Gotlong Da-Gaon under Tezpur PS has committed criminal trespass by entering into the house of the informant, Md. Jahur Uddin with intent to commit an offence of assault and thereby committed an offence punishable u/s-448 of Indian Penal Code?
 - (ii.) Whether the accused person on the same date, time and place used obscene words towards the informant and thereby committed an offence punishable u/s-294 of Indian Penal Code?
6. Heard argument from the Ld. Advocate of the accused person. 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, Md. Jahur Uddin as PW-1. The PW-1 has stated in his evidence-in-chief that he knows the accused person of this

case. He also stated that around four years back, one day at night when he was sitting on his house someone abused him and entered his house. But he could not identify the person due to dark. He further stated that after that out of suspicion, he lodged the ejahar against the accused. He identified his ejahar as P. Ext-1 wherein he put his signature as P. Ext-1(1). He also stated that thereafter, they have amicably settled the case outside the court and he does not want to proceed further against the accused. In cross-examination, PW-1 has stated that he has no objection if the accused person is released by the court.

8. 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. 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 person U/S: 448/294 of I.P.C. Hence, the accused person, namely, Md. Sahjahan Ali is not found guilty.

ORDER

Accused person, namely, Md. Sahjahan Ali is acquitted from the Charges under section-448/294 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 02nd 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:

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
PW-1	Md. Jahur Uddin	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	Ext-1/PW-1	Ejahaar
2	Ext-1(1)	Signature of PW-1

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