

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]
01.09.2022

[PR Case No-939 of 2020]

(FIR NO-115/2020 DATED-03.08.2019/ CRIMINAL TRESPASS/OBSCENE ACT/
 VOLUNTARILY CAUSING HURT/ CRIMINAL INTIMIDATION CASE AND MISSAMARI
 POLICE STATION)

COMPLAINANT :	STATE OF ASSAM OR Must. Rahima Khatoon, W/O:- Md. Amir Hussain, R/O:- Erabari, P/S:- Missamari, Dist:- Sonitpur, Assam
REPRESENTED BY	Mr. Nalini Kanta Mishra, Ld. Addl. P.P
ACCUSED PERSONS	1. Md. Majibur Rahman, S/O:- Late Kitab Ali, R/O:- Ghoramari, P/S:- Missamari, Dist:- Sonitpur, Assam 2. Must. Manjura Begum, W/O:- Md. Majibur Rahman, R/O:- Ghoramari, P/S:- Missamari, Dist:- Sonitpur, Assam
REPRESENTED BY	Mr. N. Uddin, Ld. Counsel

APPENDIX-13

Date of Offence	29.07.2019
Date of FIR	02.08.2019
Date of Charge Sheet	31.10.2019
Date of Offence Explanation	04.03.2021
Date of commencement of evidence	01.09.2022
Date on which judgment is reserved	01.09.2022
Date of Judgment	01.09.2022
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. Majibur Rahman	NIL	NIL	Sec-447/294/323/506/34 of IPC	Acquitted	NIL	NIL
A-2	Must. Manjura Begum	NIL	NIL	Sec-447/294/323/506/34 of IPC	Acquitted	NIL	NIL

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

P. R. Case No-939 of 2020

State of Assam

-Vs-

1. Md. Majibur Rahman
2. Must. Manjura Begum

.....Accused Persons

Under section-447/294/323/606/34 of I.P.C

Present:

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

01st day of September, 2022

Mr. N. K. Mishra, Addl. P.P Advocate for the State

Mr. N. Uddin, Ld. Counsel Advocate for the Accused

Date of Hearing : 01.09.2022

Date of Argument : 01.09.2022

Date of Judgment : 01.09.2022

J U D G M E N T

1. Prosecution story in brief is as follows that on 02.08.2019 the informant Must. Rahima Khatoon lodged an FIR before the O/C of Missamari Police Station to the effect that on 29.07.2019 at about 07:00 PM, the accused persons illegally entered into her house and used obscene words towards her and further physically assaulted her with a bamboo stick and due to that she sustained injuries on persons. She also stated that the accused persons threatened her of dire consequences of her life. Hence, the case.
2. The instant case was registered under section-447/294/323/506/34 of I.P.C. and the police investigated the same. After completion of the investigation

police submitted the charge-sheet against the accused persons, namely, Md. Majibur Rahman and Must. Manjura Begum under section-447/294/323/506/34 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 the accused persons and the and particulars of offences under section-447/294/323/506/34 of I.P.C. were read over and explained to the accused persons to which they 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 persons has been not recorded under section-313 of Cr. P.C as nothing incriminating found against the accused persons from the evidence of the informant.
5. **POINTS FOR DETERMINATION:-**
 - (i.) Whether the accused persons on 29.07.2019 at about at about 07:00 PM in furtherance of their common intention committed criminal trespass by entering into the house of informant with intent to commit an offence and thereby committed an offence punishable u/s- 447/34 of I.P.C
 - (ii.) Whether the accused persons on the same date, time and place in furtherance of their common intention used obscene words towards the informant and thereby committed an offence punishable u/s-294/34 of I.P.C?
 - (i.) Whether on the same day and time and place the accused persons in furtherance of their common intention voluntarily caused hurt to the informant by way of beating her with a bamboo stick and thereby committed an offence punishable under section-323/34 of I.P.C.?

(ii.) Whether the accused persons on the same date, time and place in furtherance of their common intention committed criminal intimidation by threatening the informant with injury to her person and thereby committed an offence punishable u/s-506/34 of I.P.C?

6. Heard argument from the Ld. Advocate of the both sides. 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. Rahima Khatoon as PW-1. The PW-1 has stated in her evidence-in-chief that she knows the accused persons of this case. She also stated that the incident took place around 4 years back one day at evening and at that time their children were playing then an altercation took place between her and the accused persons. She further stated that she sustained injury during the scuffle due to fall on the ground. She also stated that she took treatment at hospital and after that she lodged the ejahar against the accused persons. She identified her ejahar as P. Ext-1 wherein she put her signature as P. Ext-1(1). She stated that at present she has no grievance against the accused persons. In cross-examination, PW-1 has stated that she has no objection if the accused are released from this case.
8. I have minutely perused the evidence on record including the cross-examination of 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: 447/294/323/506/34 of I.P.C. Hence, the accused persons, namely, Md. Majibur Rahman and Must. Manjura Begum are not found guilty.

ORDER

Accused persons, namely, persons, namely, Md. Majibur Rahman and Must. Manjura Begum are acquitted from the Charges under section-447/294/323/506/34 of I.P.C. 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 01st day of September, 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. Rahima Khatoon	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