

**IN THE COURT OF JUDICIAL MAGISTRATE FIRST CLASS
SONITPUR**

Present: MANASHI NEOG, JMFC, SONITPUR

(Date of Judgment: 28.10.2022)

PR No. 341/19

Under Section 324/294 of IPC

(FIR No.239/18, registered u/s 341/392/34, IPC at Chariduar P.S.)

Complainant:	State of Assam
Represented By:	A.K. SAHANI
Accused:	1. ANJARUL HUSSAIN (A1) S/O Md. Nur Hussain 2. INAMUL HUSSAIN S/O Md. Nur Hussain 3. SIDDIK ALI @ NAGA S/O Niyaj Ali, All are residents of Guddamghat, Police Station –Chariduar, District- Sonitpur, Assam
Represented By:	U. MAHANTA

Date of Offence	17.08.2018
Date of FIR	18.08.2018
Date of Charge sheet	30.09.2018
Date of Framing of Charges	02.04.2022
Date of commencement of evidence	28.10.2022
Date on which judgment is reserved	NA
Date of Judgment	28.10.2022
Date of the Sentencing Order, if any	NA

Accused Details:

Rank of the Accused	Name of Accused	Date of Arrest	Date Release on Bail	Offences charged with	Whether Acquitted or convicted	Sentence Imposed	Period of Detention Undergone during Trail for purpose of Sec. 428 Cr.P.C.
A1	Anjarul Hussain	-	-	Section 324/294, IPC	Acquitted	NA	NA

A2	Inamul Hussain	-	-	Section 324/294, IPC	Acquitted	NA	NA
A3	Siddik Ali @ Naga	-	-	Section 324/294, IPC	Acquitted	NA	NA

JUDGMENT

1. The informant, Saddam Hussain lodged an ejahar at Chariduar P.S. alleging inter alia that on 17.08.2019 at around 7:00 pm, while he was on his way from Khanamukh to Gudamghat in his motor cycle to give Rs.30,000/- to his aunt, the accused persons near Gudhamghat Amoni Centre wrongfully restrained him, pushed him from the motor cycle and thrashed him thereby causing injury to him. The accused also forcefully took away cash amount of Rs.32,200/-, a Vivo mobile phone with dual sim cards from the informant.
2. The ejahar was registered as Chariduar P.S. Case No. 239/2018 under sections 341/392/34, IPC. The police after investigation submitted charge sheet against the accused Anjarul Hussain, Inamul Hussain and Siddik Ali @ Naga under section 324/294, IPC.
3. Cognizance was taken against the accused person and summon was issued. On appearance of the accused person, copy was furnished to him as per section 207 CrPC. The charges under sections 324/294, IPC were framed against the accused persons which was read over and explained to them to which they pleaded not guilty and claimed to be tried.
4. The prosecution examined 1 (one) witness in support of its case. After closing of Prosecution evidence, the statement of the accused person under section 313, CrPC was dispensed with in absence of incriminating materials against him. The defence declined to adduce any evidence.

5. Having heard both sides, I have framed the following point for determination to adjudicate this case.
 - a. Whether the accused persons on 17.08.2019 at around 7:00 pm near Gudamghat Amoni Centre voluntarily caused hurt to the informant by a dangerous weapon and thereby committed an offence punishable under section 324, IPC?
 - b. Whether the accused about the same date, time and place used obscene words for the informant and thereby committed an offence punishable under section 294, IPC?

6. In the course of the evidence adduced by the prosecution, it emerged that the informant, Saddam Hussain who was examined as PW-1 did not support the prosecution story. PW-1 proved the ejahar as Exhibit P-1 and his signature as Exhibit P-1(i). PW-1 has deposed that he lodged the complaint following an argument he had with the accused persons for money. But he reconciled with them later and hence does not want to prosecute them further. PW-1 has added that he has no objection if the accused persons are acquitted in the case. From the evidence of the prosecution witness, it appears that no incriminating material is available against the accused persons. No offence has therefore been made out against the accused persons under any section of law.

7. Since the informant/victim has not incriminated the accused persons, the case of the prosecution has fallen flat on its face. Hence, the points for determination are decided in the negative.

8. Considering the above, I come to the safe conclusion that, the prosecution has failed to prove the charges under section 324/294, IPC against the accused persons. Accordingly, the accused persons are found not guilty of the offences charged against and are acquitted.

ORDER

9. The accused Anjarul Hussain, Inamul Hussain and Siddik Ali @ Naga are acquitted of the offence charged with and is set at liberty forthwith. The bail bonds furnished by the surety are extended for a period of six months.

10. Given under my hand & seal of this Court and delivered in the open Court on this 28th day of October, 2022.

Typed by Me:

(Manashi Neog)

Judicial Magistrate First Class, Sonitpur

APPENDIX

LIST OF WITNESSES

A. Prosecution:

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
PW-1	Saddam Hussain	Informant/victim

B. Defence Witness, if any: NONE

C. Court Witness, if any: NONE

LIST OF EXHIBITS

A. Prosecution Exhibits :

Sr. No.	Exhibit Number	Description
1	Exhibit P-1	Ejahaar

B. Defence Exhibits: NONE

C. Court Exhibits: NONE

D. Material Exhibits: NONE

Manashi Neog
JMFC, Sonitpur