

APPENDIX -12

IN THE COURT OF JUDICIAL MAGISTRATE FIRST CLASS

Present: Smt. Darshana Nath, JMFC, SONITPUR, TEZPUR

[Date of the Judgment]

14.06.2022

[PR Case No 15 of 2018]

(Details of FIR/ Crime and Police Station)

COMPLAINANT :	STATE OF ASSAM OR Md. Ekramul Haque S/o- Abdul Kadir Vill:- Bhojkhowa Sapori P.S- Tezpur Dist:- Sonitpur, Assam
REPRESENTED BY	Smt. N. Devi, Ld. Addl. P.P

ACCUSED	Md. Atikul Islam S/o- saidul Islam Vill:- Bhojkhowa Sapori P.S- Tezpur Dist:- Sonitpur, Assam
REPRESENTED BY	Md. A. Aziz, Ld. Counsel.

APPENDIX -13

Date of Offence	20-11-2017
Date of FIR.	23-11-2017
Date of Charge-sheet	30-11-2017
Date of Offence Explained	31-08-2019
Date of commencement of evidence	14-06-2022
Date on which judgment is reserved	-

Date of the Judgment	14-06-2022
Date of the Sentencing Order, if any	-

ACCUSED DETAILS:

Rank of the Accused	Name of Accused	Date of Arrest	Date of Release on Bail	Offences charged with	Whether Acquitted or convicted	Sentence Imposed	Period of Detention undergone during Trial for purpose of Section 438, Cr.P.C.
A1	Atikul Islam	Nil	Nil	294/34 1/506 IPC	Acquitted	Nil	Nil

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)
PW1	Ekramul Haque	Informant

B. Defence Witnesses, if any :

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
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Nil	Nil	Nil
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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	Exhibit P-1/PW1	FIR
2	Exhibit P-1(1)/PW1	Signature of PW1

B. Defence:

Sr.	Exhibit Number	Description
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No		
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

**IN THE COURT OF JUDICIAL MAGISTRATE FIRST
CLASS AT SONITPUR, TEZPUR**

PRESENT: DARSHANA NATH, AJS, Tezpur, Sonitpur

PR CASE NO: 15/18

U/S 341/294/506 IPC

STATE

VS.

Atikul Islam

FOR PROSECUTION: Smti. Niva Devi

FOR THE ACCUSED: Md. A. Aziz

EVIDENCE RECORDED ON : 14/06/2022

JUDGEMENT DELIVERED ON: 14/06/2022

JUDGMENT

1. The accused person A1 stood trial for offences punishable under Sections 341/294/506 of Indian Penal Code (hereinafter IPC).

Information and Investigation

2. The genesis of this case has its roots with the lodging of Ejahar by informant/PW1 on 20/11/2017 wherein he stated that on that same day at 7:30 am, the accused person beat him and snatched Rs. 10,000/- and mobile phone. They broke the motor cycle of PW1.

3. The Ejahar was registered as Tezpur P.S Case no 2383/17 u/s 391/323/34 IPC. The police after investigation submitted charge sheet against the accused person under section 341/294/506 IPC.

Trial

4. Cognizance was taken of the charge sheeted offences and process was issued upon which the accused person appeared and copy of the relevant documents was furnished to her in compliance with section 207 of Code of Criminal Procedure (hereinafter referred as CrPC). Particulars of offences are explained to the accused person to which he pleaded not guilty and claimed to be tried.

5. In this case, the prosecution has examined the informant as PW-1. PW1 stated that the accused person filed the case out of misunderstanding with the accused

person. But now the matter is amicably settled between them.

6. Considering testimony of the informant and other witnesses, the prosecution declined to further adduce evidence in this case. Hence, the evidence of prosecution side is closed. Examination of accused person u/s 313 CrPC dispensed with as the prosecution did not adduce any incriminating evidence against him.
7. After hearing the learned Counsel of both sides and after perusal of the case record, I do hereby frame the following points of determination.

POINTS FOR DETERMINATION

a) Whether the accused wrongfully restraint the victim, i.e., PW1 and thereby committed offence u/s 341 IPC?

b) Whether the accused person used obscene words to the informant in public place and thereby committed offence u/s 294 IPC?

c) Whether the accused person threatened to kill the informant and thereby committed offence u/s 506 IPC?

PROSECUTION EVIDENCE

Evidence of the informant

8. PW1 is the informant. He stated that the accused used obscene words to him and injured him on that very day. But now the matter is amicably settled among them. Hence, he does not wish to continue with the case and he has no objection even if the accused person is acquitted.

9. The defense declined cross examination of PWs.

DISCUSSIONS, DECISIONS AND REASONS THEREOF

10. Upon a perusal of the evidence, it is clear that the informant in this case does not wish to proceed with the case, as the case was lodged due to misunderstanding but now the matter has been resolved among the two

parties amicably and they have no issue if the accused person is acquitted of the charges brought against him.

11. As such the prosecution has failed to prove that the accused person has committed the offences u/s 341/294/506 IPC beyond reasonable doubt.

ORDER

12. In light of the above, it is held that the prosecution has failed to prove the case U/S 341/294/506 IPC against the accused person A1 beyond all reasonable doubt. Hence, he is hereby **acquitted** and set at liberty forthwith.

However, his bail bond shall remain in force for a period of next 6(six) months as provided by section 437A CrPC.

Given in my hand and under the seal of this court on this the 14th day of June, 2022.

Typed by Me:

Smti. Darshana Nath

Judicial Magistrate First Class, Tezpur

APPENDIX -14

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A. Prosecution:

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
PW1	Ekramul Haque	Informant

B. Defence Witnesses, if any :

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
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Nil	Nil	Nil
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B. Defence:

Sr. No	Exhibit Number	Description
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C. Court Exhibits:

Sr. No	Exhibit Number	Description
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D. Material Objects

Sr. No	Exhibit Number	Description
Nil	Nil	Nil

Smti. Darshana Nath

Judicial Magistrate First Class, Tezpur

