

Gr 1257/17
State
Vs
Safikul Ali

IN THE COURT OF JUDICIAL MAGISTRATE 1st CLASS, NALBARI

Case No. GR 1257/2017 u/s 448/294/323/506 IPC

STATE

-Vs-

SAFIKUL ALI..... Accused

Present: RUBINA YASMIN, A. J. S.

Advocates appeared:

Mrs Manika Chakraborty.....for the State.

Mr. Jayanta Kalita.....for the accused.

Date of prosecution evidence –12.09.18

Date of argument – 12.09.18

Date of judgment – 12.09.18

Judgment

1. Miss Kalpana Bibi initiated the instant case by filing written 'ejahar' before the O/C, Nalbari P.S. on 16.8.17. Prosecution case in brief is that, on 15.8.17, at about 6 p.m. the accused person entered into an altercation with the informant and abused him verbally with filthy language. It is also alleged that the accused person gave him fist blow and also kicked him. He somehow managed to escape. But the accused person followed him to his house and beta him with stick and caused him hurt.
2. On receipt of the 'ejahar', police has registered the case as Nalbari

Gr 1257/17
State
Vs
Safikul Ali

P.S. case No. 571/17 u/s 448/294/506/323 IPC and investigated the matter. On completion of investigation, police filed charge sheet against the accused person Safikul Ali u/s 448/294/323/506 IPC.

3. During trial, accused persons entered the appearance on receipt of summons from the court and he was allowed to go on bail. Relevant copies of the case were furnished to him u/s 207 Cr.P.C. Upon perusal of materials on record and after hearing both sides, sufficient materials were found against the accused person u/s 448/294/323/506 IPC. Particulars of the offence were explained to the accused to which he pleaded not guilty and claimed to be tried.
4. Prosecution in support of the case examined one witness. Defence side declined to adduce any witness in support of their claim. The examination of the accused person u/s 313 of Cr.P.C. was dispensed with as no incriminating materials were found against him.
5. I have heard argument of both sides.

Points For Determination

6. Upon hearing and perusal of the record, I have framed the following points for determination:
 1. Whether the accused persons on 15.8.17 at about 6 p.m. committed house and thereby committed an offence punishable u/s 448 IPC?
 2. Whether the accused persons on same date, time and place did any obscene act in a public place to the annoyance to informant/victim and thereby committed an offence punishable u/s 294 IPC?
 3. Whether the accused persons on same date, time and place has voluntarily caused hurt to the informant and thereby committed an offence punishable under section 323 IPC?
 4. Whether the accused persons on same date, time and place criminally intimidated the informant/victim and thereby committed an offence punishable u/s 506 IPC.

Gr 1257/17
State
Vs
Safikul Ali

Discussion, Decision and Reasons thereof

7. I have carefully gone through the entire evidence on record and materials placed before me.
8. PW 1 Kalpana Bibi who is the informant as well as the victim of the case deposed in her evidence that on the date of occurrence an altercation took place between the accused and her due to some misunderstanding and that they have now settled the matter.
9. From the evidence of the prosecution witness it appears that the informant is not inclined to prosecute the accused person. A minor altercation took place between them which now appeared to have been resolved. Thus no incriminating material is found against the accused person on the basis of the little evidence deposed by the informant. Moreover both sides have submitted that the parties hold no grudge or animosity towards one another.
10. Situated thus, I find that the prosecution side has miserably failed to implicate the accused person of any offence. Accordingly the accused person Safikul Ali is held not guilty of the offence punishable under Section 448/294/323/506 IPC and accordingly he is acquitted and set at liberty forthwith.
11. The bail bond furnished on behalf of the accused persons shall remain in force for further period of 6 months.
12. The seized articles if any be given in zimma as per law in due course.

Given under my hand and seal of this court on this 12th day of September, 2018.

Rubina Yasmin
J.M.F.C. Nalbari

Gr 1257/17
State
Vs
Safikul Ali

APPENDIX

Prosecution witness:-

PW 1 – Kalpana Bibi

Defence witness:-

Nil

Prosecution Exhibits:-

EX 1 - Ejahar

EX 1(1) - signature of the informant

Defence Exhibits:-

Nil

Rubina Yasmin
JMFC, Nalbari