

1. The prosecution in this case was launched by the lodging of the ejahar with the Officer in Charge of the Ghograpar Police station, by the informant, Miss Sarifa Begum on 30.11.15, against the accused persons, Miss Aimana Begum, Md. Abdul Rahman, Miss Hasina Begum, Md. Tabibul Rahman, Miss Tasmila Begum and Miss Rejina Parbin to the effect that, on 29.11.15 at about 10 p.m., at night the accused persons entered into her dwelling house when her husband was not present at his house and dragged her out of her house by holding her hair and assaulted her in the courtyard. As a result of which she sustained grievous injuries on her person and she became unconscious. The accused persons also stated that they will kill her and then she somehow fled away from the place of occurrence and took shelter at her neighbour's house to save her life. Hence, the case.
2. The Officer-in-charge, Ghograpar police station, on receipt of Ejahar registered Ghograpar P.S. Case No.231/2015, u/s 147/448/325/506 of IPC and started investigation. After completion of the investigation, the concerned I.O. submitted charge sheet against the accused persons namely Abdul Rahman, Miss Hasina Khatun, Miss Taslima Khatun, Miss Rejina Parbin, Md. Taibar Rahman @ Tabibar Rahman and Miss Amina Begum @ Aimana u/s 147/323 of IPC.
3. In due course, the accused persons appeared before the Court and the copies of relevant documents were furnished to them as per section 207 of CrPC. Having found a prima facie case against the accused persons, the particulars of offences u/s 147/323 of IPC are read over and explained to them to which they pleaded not guilty and claimed to be tried.
4. The prosecution, in support of its case, examined sole witness i.e., the informant-cum-victim of the case Smti. Sarifa Begum. As per the submission of learned Assistant Public Prosecutor further evidence of prosecution side is closed. The statement u/s 313 of the Code of Criminal Procedure has been dispensed with as there is no incriminating evidence against them.

Defence side examined no witnesses. I have heard the arguments advanced by the learned counsels for both sides.

5. **POINTS FOR DETERMINATION:-**

1. Whether the accused persons, on 29.11.15 at about 10 p.m., at night, at village Arara under Ghograpar P.S., were a members of an unlawful assembly and in prosecution of the common object of such assembly committed the offence of rioting and thereby committed the offence under section 147 of IPC ?

2. Whether the accused persons, on the same day, time and place voluntarily caused hurt to Smti. Sarifa Begum and thereby committed the offence under section 323 of IPC ?

DISCUSSION, DECISION AND REASONS THERE OF:

6. For the sake of convenience all the points are taken up together for discussion. PW-1 Smti. Sarifa Begum (informant-cum-victim) of the case deposed that she knows all the accused persons. The incident took place about three/four years back one day at night. On the day of incident due to some misunderstanding an altercation took place between her and the accused persons. She further deposed that now they have amicably settled the matter between them and she has no grievance against the accused persons. Exhibit-1 is the ejahar lodged by her and Exhibit-1(1) is her signature.

In cross-examination she deposed that all the accused persons are her family members and now they are staying together on the same house except accused Rejina Parbin.

7. On perusal of evidence on record it is seen that on the day of incident the accused persons and the informant had an altercation due to some misunderstanding. PW1 i.e.,

the informant-cum-victim of the case has not at all supported the prosecution version. She has not incriminated the accused persons of committing any offence. Prosecution failed to examine any other witness in support of this case. Hence, it is held that the prosecution has failed to establish the charges U/S 147/323 of IPC against the accused persons beyond all reasonable doubt.

ORDER

8. Accordingly, the accused persons namely Md. Abdul Rahman, Miss Hasina Khatun, Miss Taslima Khatun, Miss Rejina Parbin, Md. Taibar Rahman @ Tabibar Rahman and Miss Amina Begum @ Amona Begum are acquitted of the offences u/s 147/323 of IPC and they are set at liberty forthwith. The bail bonds of the accused persons and their surety shall remain in force for a period of 6 months from today as per amended CrPC.

**Given under my hand and seal of this court on this 12th day of
February, 2020 at Nalbari.**

**Smti Sorbani Bhattacharjee, AJS
Additional Chief Judicial Magistrate
Nalbari.**

APPENDIX

PROSECUTION EXHIBITS:

Ext.1 : Ejahar

Ext.1(1): Signature of informant Smti. Sarifa Begum.

DEFENCE EXHIBITS

NIL

PROSECUTION WITNESSES :

1) **Smti. Sarifa Begum**

COURT WITNESSES :

NIL

DEFENCE WITNESSES

NONE

MATERIAL EXHIBITS

NIL

**Smti Sorbani Bhattacharjee, AJS
Additional Chief Judicial Magistrate
Nalbari.**