

::IN THE COURT OF THE CHIEF JUDICIAL MAGISTRATE, NALBARI::

PRESENT : = Sri. K. C. Boro, A.J.S.

Ref: P.R.C. No.233/2018

State

-vs-

Amiran Nessa @ Amiran Bibi

W/o- Md. Lal Mia

Village- No.1 Barbala

PS- Sialmari

Dist. Nalbari, Assam.

..... Accused person.

u/s-341/294/323/506 IPC

EVIDENCE RECORDED ON : 10.02.2020.

ARGUMENT HEARD ON : 13.02.2020.

JUDGMENT DELIVERED ON : 13.02.2020.

ADVOCATES APPEARED :

For the State : Mr. D. Talukdar, Ld. A.P.P.

For the Accused : Mr. J. U. Ahmed, Ld. Advocate.

J U D G M E N T

1. The Case of the prosecution, in a brief, is that an FIR was filed on 12.04.2018, before the Officer-in-Charge of Sialmari PS by informant Md. Salam Ali against the accused persons namely Lal Mia, Amiran Bibi and Nazma Begum, alleging inter-alia that on 26.03.2018 at about 11.00 am, the accused rushed towards the house of the informant, misbehaved with his wife Asatan Bibi, torn apart the wearing apparels of Asatan Bibi, beaten her brutally with a bamboo stick and also

threatened to kill her. She somehow rescued herself from the clutch of the accused and was undergoing treatment at Mukalmua Hospital. There was delay in filing the ejahar as they were waiting for solution from village bichar. Hence, the case.

2. On receiving the case, the Officer-in-Charge of Sialmari P.S. registered Sialmari P.S. Case No.12/2018 u/s-448/354(B)/427/325/506/34 IPC and started investigation. On completion of investigation the I.O laid charge-sheet against accused Amiran Nesa u/s-341/294/323/506 IPC vide CS No.09/2018 dated 06.05.2018.

3. The CR was transferred to the court of Ld. J.M.F.C, Nalbari for disposal. In pursuance of the process issued, the accused appeared before the Court and on her appearance, the copies of the case as per the mandate of law u/s-207 Cr.P.C. were furnished to the accused. Thereupon prima facie case was found against the accused person u/s 341/294/323/506 IPC and the substance of accusation u/s 341/294/323/506 IPC was explained to the accused and she was asked whether she would plead guilty of the offences charged or claimed to be tried. She had pleaded not guilty and claimed to be tried. Later on, the CR was transferred to court of Ld. S.D.J.M.(S), Nalbari and then to this Court for disposal.

4. During the trial, the prosecution side examined one (1) witness. 313 Cr.P.C. statement of accused person was dispensed with. The defence side declined to adduce any evidence.

5. I have heard the argument of both the sides.

POINTS FOR DETERMINATION

- Whether the accused person namely Amiran Bibi on 26.03.2018, at about 11.00 am, at village No.1 Barbala under Sialmari PS, voluntarily obstructed informant's wife Asatan Bibi so as to prevent her from proceeding in the direction in which she had right to proceed and thereby committed an offence punishable u/s-341 I.P.C ?
- Whether the accused person on the above mentioned date, time

and place, voluntarily caused hurt to informant's wife Asatan Bibi and thereby committed an offence punishable u/s 323 I.P.C. ?

- Whether the accused person on the above mentioned date, time and place, uttered obscene words in public place causing annoyance to informant's wife Asatan Bibi and thereby committed an offence punishable u/s 294 I.P.C.?

- Whether the accused person on the above mentioned date, time and place, committed criminal intimidation by threatening the informant's wife in order to cause alarm to her and thereby committed an offence punishable u/s-506 IPC ?

DISCUSSION, DECISION AND REASONS

6. PW.1 is Md. Salam Ali, informant. He deposed that the incident occurred about two years ago. There was a quarrel between his children and the children of the accused person and later on, due to this, his wife and the accused also got engaged into an altercation. No marpit took place between his wife and the accused. His wife did not sustain any kind of injury. Accused also filed a case upon them on the same incident. Now the matter has been compromised. Ext.1 is the FIR and Ext.1(1) is his signature.

7. During cross-examination, he deposed that he has no objection if the accused person is acquitted.

8. These are the materials on record.

9. From the materials on record, it is found that PW.1 i.e. informant has not implicated the accused person of commission of offence u/s-341/294/323/506 IPC. He has merely stated that on the day of the incident, his wife and the accused got engaged into an altercation due to quarrel of their children. Later on, both the sides filed FIR. The informant further stated that his wife has not sustained any kind of injury. The sole prosecution witness has not stated anything incriminating material regarding the incident against the accused person. He also goes to state that now the matter has been

compromised and he has no objection if the accused person is acquitted.

10. The evidence on record does not lucidly portray the necessary elements required to constitute offences u/s-341/323/294/506 IPC. The prosecution has failed to prove the guilt of the accused person beyond all reasonable doubt.

11. In the backdrop of the entire evidence on record and taking into account the facts and circumstances of the case, the accused person namely Amiran Bibi @ Nessa is acquitted of the offences u/s-341/323/294/506 IPC and set at liberty forthwith.

12. Bail bond will remain in force till expiry of the appellate period.

13. Judgment is written in separate sheets and delivered in open court.

Given under my hand and seal of this court on this the 13th day of February, 2020.

(Sri K.C. Boro)
Chief Judicial Magistrate
Nalbari

Dictated and corrected by me

(Sri K.C. Boro)
Chief Judicial Magistrate
Nalbari

Jitul

APPENDIX:

Witnesses for the prosecution

PW.1 - Md. Salam Ali, informant.

Witnesses for the defence

None

Prosecution Exhibits

Ext.1 - FIR.

Ext.1(1) - Signature of informant.

Defence Exhibits

None

(Sri K.C. Boro)
Chief Judicial Magistrate
Nalbari