

IN THE COURT OF ADDL. CHIEF JUDICIAL MAGISTRATE, NALBARI

PRC Case No :1845/2019

U/s 341/294/352/34 of I.P.C

State

-Versus-

(i)Md. Lokman Ali.

(ii)Miss Jolo Begum

(iii)Miss Nurjahan Begum

.....Accused Persons

PRESENT : Smti. Sorbani Bhattacharjee, A.J.S,
Addl. Chief Judicial Magistrate,
Nalbari.

ADVOCATES APPEARED:

FOR THE PROSECUTION : Md. S. Ali. Ld. APP,

FOR THE ACCUSED PERSONS: Mr. Bareque Ali, Ld. Counsel.

EVIDENCE RECORDED ON :17.03.2020.

ARGUMENT HEARD ON :30.06.2020

JUDGMENT DELIVERED ON :30.06.2020.

JUDGMENT

- 1) The prosecution in this case was launched by the lodging of the ejahar with the Officer in Charge of the Mukalmua Police Station by the informant Musstt. Anowara Begum on

03.10.2019 against the accused persons namely Md. Lokman Ali, Musstt. Jolo Begum and Musstt. Nurjahan Begum, to the effect that prior to about six months of the incident the husband of the informant namely Md. Saddam Ali eloped with the daughter of accused Lokman Ali namely Miss Baseron Begum. On 03.10.2019 at about 11:30 a.m the accused persons abused the informant and when she asked about the reason then all the accused persons wrongfully restrained her on the road and assaulted her after dragging her to the house of one Jeherul Ali. Accused Musstt. Jolo Begum dragged her and threw her in the nearby pond. Her children and neighbours raised hue and cry and then Md. Jeherul Ali rescued her. Hence the case.

- 2) The Officer-in-charge, Mukalmua Police Station on receipt of the ejahar registered the same as Mukalmua P.S Case No. 480/19 u/s 294/341/323/34 of I.P.C and started investigation. After completion of the investigation the concerned I.O submitted charge sheet against the accused persons namely Md. Lokman Ali, Musstt. Jolo Begum and Musstt. Nurjahan Begum u/s 294/341/323/34 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 294/341/323/34 of IPC were 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 the informant as sole witness. As per the submission of Ld. Assistant Public Prosecutor, further evidence of prosecution side was closed. As there is no intrminating materials against the accused persons, hence recording of their statement u/s 313 of the Code of Criminal Procedure was dispensed with. Defence side examined no witnesses. I have

heard the arguments advanced by the Ld. counsels for both sides.

5) POINTS FOR DETERMINATION:-

- i. Whether the accused persons, on 03.10.2019 at about 11:30 a.m in the morning at village No.4 Bortola under Mukalmua P.S., in furtherance of their common intention wrongfully restrained Musstt. Anowara Begum in which direction she has every right to proceed and thereby committed the offence under section 341/34 of IPC?
- ii. Whether the accused persons, on the same day, time and place in furtherance of their common intention used obscene words in public place against the informant to the annoyance of others and thereby committed the offence under section 294/34 of IPC ?
- iii. Whether the accused persons, on the same day, time and place in furtherance of their common intention used criminal force against the informant without any grave and sudden provocation by the informant and thereby committed the offence under section 352/34 of IPC ?

DISCUSSION, DECISION AND REASONS THERE OF:

- 6) For the sake of convenience all the points are taken up together for discussion. In this case prosecution examined only the informant-cum victim of this case as PW1. The evidence of PW1 Musstt. Anowara Begum reveals that due to some misunderstanding she lodged this case against the accused persons and now the matter has been amicably settled between both the parties. Now they have no dispute between them and she has no grievance if the accused persons are acquitted in this case. She exhibited the ejahar as Ext.1 and her signature in it as Ext.1(1). Prosecution has failed to examine any other witness in this case. The informant who is the sole witness of this case has not supported the prosecution case. Her evidence is

inconsistence with the ejahar lodged by her. Informant has not incriminated the accused persons of any offences. Situated thus, the accused persons cannot be hold guilty in this case as there is no iota of evidence against the accused persons. Prosecution has failed to prove the offences u/s 341/294/352/34 of IPC against the accused persons beyond all reasonable doubt.

- 7) Accordingly, the accused persons namely Md. Lokman Ali, Musstt. Jolo Begum and Musstt. Nurjahan Begum are acquitted of the offences u/s 341/294/352/34 of I.P.C 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 (six) months from today as per amended CrPC.

Given under my hand and seal of this court on this 30th day of June, 2020 in the virtual court.

Smti. Sorbani Bhattacharjee, A.J.S,
(Addl. Chief Judicial Magistrate),
Nalbari.

G.R Case No. 1698/2015

APPENDIX

PROSECUTION EXHIBITS:

Ext.1 :Ejahaar,

Ext.1(1) :Signature of informant in the ejahaar,

DEFENCE EXHIBITS

NIL

PROSECUTION WITNESSES :

PW-1 :Musstt. Anowara Begum, informant of the case,

COURT WITNESSES :

NIL

DEFENCE WITNESSES

NONE

MATERIAL EXHIBITS

NIL

Smti. Sorbani Bhattacharjee, A.J.S,

(Addl. Chief Judicial Magistrate),

Nalbari.