

P.R.C. case no. 923/2019

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**IN THE COURT OF ADDITIONAL CHIEF JUDICIAL MAGISTRATE,
NALBARI.**

P.R.C. Case no. 923/2019

u/s 341/323/506 of I.P.C

State of Assam

-Vs-

Musst. Amiran Nessa.....Accused

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

ADVOCATES APPEARED:

For the state : Mr. A. Barman, Ld. A.P.P,

For the accused : Mr. Jahuruddin Ahmed, Ld. Defence Advocate,

Dates of evidence : 27-02-2020.

Date of argument : 08-06-2020.

Date of judgment : 17-06-2020.

J U D G M E N T

PROSECUTION CASE:

1) The prosecution case in brief as unfolded from the 'ejahar' dated 12-12-2018 filed by the informant Miss. Kadbhanu Begum against the accused persons namely Amiran Nessa, Amijan Begum and Parmin Begum is that on 12/12/2018 at about 3 pm, the goat of the accused persons was eating mustard cultivation of the informant and while she was chasing away the goat, the aforesaid accused persons surrounded her and also restrained her in the paddy field and strangled her neck with a rope. Accused Amijan Begum and Parmin Begum assaulted her in different parts of her body and tore her wearing clothes and also threatened to kill her.

2) The said 'ejahar' was received and registered as Mukalmua P.S case no. 455/18 u/s 341/325/506/34 of I.P.C dated 12/12/18. After completion of investigation charge-sheet no. 298/18 dated 29/12/18 was submitted against accused Amiran Nessa u/s 341/294/506 I.P.C. Copy was furnished to the accused person and particulars of offence u/s 341/323/506 I.P.C was read over and explained to the accused person to which she pleaded not guilty and claimed to be tried.

3) **POINTS FOR DETERMINATION:**

I. Whether the accused on or about 12/12/2018 at about 3 pm at Madhya Kajiachor under Mukalmua P.S. voluntarily obstructed the informant Kadbhanu Begum so as to prevent her from proceeding in direction in which she had right to proceed and thereby committed an offence punishable u/s 341 of I.P.C?

II. Whether the accused person on the same day, time and place voluntarily caused hurt to the informant Kadbhanu Begum and thereby committed an offence punishable u/s 323 of I.P.C?

III. Whether the accused on the same day, time and place threatened the informant with injury to her person with intent to cause alarm and thereby committed an offence punishable u/s 506 of I.P.C ?

4) DISCUSSION, DECISION AND REASONS THEREOF:

The prosecution side examined the informant only as PW1. The defence declined to adduce any evidence. The statement in defence of the accused person u/s 313 Cr.P.C was recorded wherein she took the plea of false implication. I have heard the arguments advanced by learned counsels of both the sides and also perused the evidence available on record, my findings with reasons are as follows:

5) In this case the prosecution examined only the informant cum victim namely Kadhbanu Begum. The evidence of the informant cum victim (PW-1) reveals that on the day of incident the goat of accused ate her grains and an altercation took place between her and the accused regarding the incident. She lodged the case out of anger and now they have amicably settled the matter between them. In her cross-examination she stated that she has no grievance against the accused. The prosecution failed to examine any other witness in this case. From the evidence of the informant cum victim it is apparent that she has not incriminated the accused of committing any offence and the matter has been amicably settled between both the parties. There is no iota of evidence in this case to hold the accused guilty of the alleged offences.

6) On appreciation of the testimony of witnesses and the materials available on record, I find that the prosecution has failed to establish the essential ingredients so required to constitute the charged offence beyond reasonable doubt by leading clear, cogent & convincing evidence. The accused Amiran Nessa is found not guilty for the offences u/s 341/323/506 I.P.C and hence, she is acquitted and set at liberty forthwith. Bail bond of the accused person and her surety shall remain in force for a further period of six months as per amended CrPC.

Given under my hand and seal of this court on this 17th day of June, 2020 in virtual court.

Smti Sorbani Bhattacharjee, A.J.S,
Additional Chief Judicial Magistrate,
Nalbari

APPENDIX

Prosecution witness:

PW 1- Kadbhanu Begum (Informant),

Prosecution Exhibits:

Ext 1 - Ejahar,

Ext 1(1) - Signature of the informant Kadbhanu Begum,

Defence witnesses :

Nil

Defence Exhibits :

Nil

Court Witness:

Nil

Court Exhibits :

Nil

Smti Sorbani Bhattacharjee, A.J.S,
Additional Chief Judicial Magistrate,
Nalbari