

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

Present : Imdad Ahmed, Chief Judicial Magistrate, Nalbari.

Date of Judgment – 22/09/2022

Case – PRC no. 440/2021

The case arose out of FIR lodged by informant Miss Majida Bibi, registered on 08/10/2020 vide Belsor P.S case no. 287 u/s 447/294/506/352/323/324/354/34 IPC under Nalbari District.

Complainant :	State of Assam Or Name of the complainant (Miss Majida Bibi)
Represented by	Mr. D. Talukdar (Ld. APP)
Accused	1. Md. Matiur Rahman / A-1, S/o – Md. Joynal Ali, Village – Balijar, PS - Belsor & Dist – Nalbari.
Represented by	Mr. Abdul Mazid (Ld. Defence Advocate)

Date of Offence	27/09/2020
Date of FIR	29/09/2020
Date of Charge sheet	31/10/2020 vide Charge sheet no. 164
Date of Framing of Charges	17/11/2021
Date of commencement of evidence	17/09/2022
Date on which judgment is reserved	N/A
Date of Judgment	22/09/2022
Date of the Sentencing Order, if any	N/A

## **J U D G M E N T**

### **PROSECUTION CASE:**

1. The prosecution case in brief as unfolded from the 'ejahar' dated 29/09/2020 filed by the informant Miss Majida Bibi is that on 27/09/2020 (Sunday) at about 10 am, the accused Matiur Rahman and his wife Jesminara entered into her house and scolded her and also threatened to kill her son Habibar Rahman. Hence the case.

2. The said 'ejahar' was received and registered as Belsor PS case no. 287/20 u/s 447/294/506/352/323/324/354/34 I.P.C. After completion of investigation charge-sheet no. 164 dated 31/10/2020 was

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submitted against accused Md. Matiur Rahman u/s 447/294/506/323 I.P.C. Copy was furnished to the accused person. Particulars of offence and substance of accusation u/s 447/294/506/323 IPC was explained to the accused person to which the accused pleaded not guilty and claimed to be tried.

### **3. POINT FOR DETERMINATION**

(i) Whether on 27/09/2020 (Sunday) at about 10 am, at village Baliyar under Belsor PS, the accused entered into the property in possession of the informant with intent to commit an offence or to intimidate, insult or annoy and thereby committed an offence punishable u/s 447 I.P.C?

(ii) Whether on the aforesaid date, time and place the accused uttered obscene words in or around any public place to the annoyance of the informant and her family members and thereby committed an offence punishable u/s 294 I.P.C?

(iii) Whether on the aforesaid date, time and place the accused criminally intimidate the informant and her son with intent to cause alarm and thereby committed an offence punishable u/s 506 I.P.C?

(iv) Whether on the aforesaid date, time and place the accused voluntarily caused hurt to Habibar Rahman and thereby committed an offence punishable u/s 323 I.P.C?

**4. DECISION AND REASONS THEREOF:**

The prosecution examined two (2) witnesses. The defence declined to adduce any evidence. Finding no incriminating materials, the statement in defence of the accused person u/s 313 Cr.P.C was dispensed with. I have heard the argument advanced by learned counsel of both the sides and also perused the evidence available on record, my findings with reasons are as follows –

5. PW-1, Majida Bibi who is the informant deposed that accused is her own son. The incident took place in the year 2020. A quarrel took place between the accused and her younger son over a trivial matter. Later they settled the matter amicably and as such she does not want to proceed further with this case.

6. PW-2, Habibur Rahman deposed that informant is his mother and the accused is his elder brother. The incident occurred in the year 2020 and a verbal altercation took place between him and the accused with regard to some domestic matter and later his mother had filed the ejahar. PW-2 deposed that he does not want to proceed with this case and he does not have any objection if the accused is acquitted.

7. This is a case under Section 447/294/506/323 IPC, where PW-1 & PW-2 who are the informant/victim of this case stated in their evidence that they have compromised the matter amicably with the accused person and they does not want to proceed with this case and also does not have any objection if

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the accused is acquitted. Now, PW-1 & PW-2 being the main witness did not support their own case and they did not state anything incriminating against the accused person and as such the guilt of the accused person could not be established by the prosecution. Hence, the accused person is hereby declared not guilty of the offence u/s 447/294/506/323 of the Indian Penal Code.

8. Considering the nature of evidence adduced by the prosecution, the accused Md. Matiur Rahman is hereby acquitted from the charges u/s 447/294/506/323 I.P.C. Bail bond is extended till the expiry of six months from today.

9. Judgment is pronounced in open court. Case is disposed of on contest.

10. Given under my hand and seal of this court on this 22<sup>nd</sup> day of September, 2022.

Chief Judicial Magistrate  
Nalbari

**Accused Details**

Rank of the accused	Name of accused	Date of Arrest	Date of release on bail	Offences charged with	Whether Acquitted or convicted	Sentence Imposed	Period of Detention Undergone during Trial for purpose of Sec. 428 Cr.P.C
A-1	Md. Matiur Rahman	15/10/2020	15/10/2020	447/ 294/ 506/ 323 IPC	Acquitted	N/A	N/A

Chief Judicial Magistrate  
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**List of Prosecution / Defence / Court Witnesses**

A. Prosecution:

Rank	Name	Nature of Evidence (Eye Witness, Police Witness, Expert Witness, Medical Witness, Panch Witness, Other witness)
PW-1	Majida Bibi	Informant
PW-2	Habibur Rahman	Victim

B. Defence Witnesses, if any:

Rank	Name	Nature of evidence (Eye Witness, Police Witness, Expert Witness, Medical Witness, Panch Witness, Other witness)
Nil		

C. Court Witnesses, if any:

Rank	Name	Nature of evidence (Eye Witness, Police Witness, Expert Witness, Medical Witness, Panch Witness, Other witness)
Nil		

Chief Judicial Magistrate

Nalbari

**LIST OF PROSECUTION / DEFENCE / COURT EXHIBITS**

A. Prosecution:

Sr. No.	Exhibit number	Description
1.	Exhibit P-1 / PW-1	Ejahar
2.	Exhibit P-1(1) / PW-1	Signature of informant

B. Defence:

Sr. No.	Exhibit Number	Description
Nil		

C. Court Exhibits:

Sr. No.	Exhibit Number	Description
Nil		

D. Material Objects:

Sr. No.	Exhibit Number	Description
Nil		

Chief Judicial Magistrate  
Nalbari