

IN THE COURT OF SUB DIVISIONAL JUDICIAL MAGISTRATE,

MORIGAON

G. R. Case No: 1108/16

Under sections 341/294 of Indian Penal Code

State

Vs

1. Md. Ruhul Amin

S/o Md. Shah Jahan Ali, R/o Silpukhuri, P.S. Mikirbheta, Morigaon, Assam.

.....Accused person

Present: Lohit Kumar Sarmah, SDJM(S), Morigaon

Advocates appeared

For the State: Smti. Banti Devi

For the accused person: Mr. A. Hannan

Evidence recorded on: 6.11.2019

Argument heard on: 6.11.2019

Judgment delivered on: 6.11.2019

JUDGMENT

1. The informant Musstt. Wahida Begum lodged an ejahar before the Boribozar outpost on 11.5.2016 stating inter alia that the accused had been mentally harassing the informant for few days stating that he would die taking poison if the informant does not get married to him. He also misbehaved with the informant. Such act of the accused has caused her defame. As the informant was waiting for amicable settlement hence got delayed in lodging the ejahar.
2. The ejahar was received and registered as Mikirbheta PS case No. 162/16 under sections 341/294/506 of Indian Penal Code.
3. The I/O after due investigation of the case submitted charge sheet under sections 341/294 of Indian Penal Code against the accused person.
4. Copy of the relevant documents were furnished to the accused person.
5. On perusal of the case record sufficient ground under sections 341/294 of Indian Penal Code were found against the accused person and accordingly the particulars of offences under the above sections were read over and explained to the accused person to which he pleaded not guilty and claimed to be tried.

6. The prosecution has examined only one witness i.e. the informant-cum-victim. The statement of the accused person under section 313 CrPC was recorded. The defence side adduced no evidence and pleaded for total denial.

POINTS FOR DETERMINATION:

- i) Whether the accused person for few days, wrongfully restrained the informant namely Md. Ramjan Ali by voluntarily obstructing him so as to prevent him from proceeding in any direction in which he had a right to proceed and thereby committed an offence punishable under Sec. 341 IPC?
 - ii) Whether the accused person for few days, uttered obscene words in or near a public place to the annoyance of others, and thereby committed an offence punishable under Sec. 294 IPC?
7. I have heard the oral arguments put forward by both the Counsels. I have also gone through the entire evidence available on record. My discussion and reasons for the decision is discussed below.

DISCUSSION, DECISION AND REASONS THEREOF:

8. PW1 Musstt. Wahida Begum who is the informant-cum-victim deposed that the accused person is known to her. The incident took place around three years prior to her deposition nearby a school. That on the day of incident she had some verbal altercations with the accused person and this case was filed out of misunderstanding. At present, they have amicably settled the matter between them; hence she does not want to proceed with this case anymore. Ext-1 is the ejahar and Ext-1(1) is her signature. In cross-examination PW1 stated that she does not have any objection if the accused person is acquitted of this case.
9. From the deposition of PW1 it appears that there is nothing incriminating against the accused person. PW1 who is the informant cum victim herself has not supported the case. In her deposition she stated that she had some verbal altercations and then this instant case was filed. She further stated that they have amicably settled the matter between themselves; hence she does not have any objection if the accused person is acquitted of the case. Further PW1 has not at all implicated the accused person under sections 341/294 of Indian Penal Code.
10. In view of the above I am of the opinion that the prosecution has failed to establish the charges under sections 341/294 of Indian Penal Code against the accused person. Accordingly the accused person Ruhul Amin is acquitted of the alleged offences leveled against him and set at liberty.

11. Bail bond and affidavits furnished by the bailor is extended for a period of six months from today.

Given under my hand and seal of this Court on the 6th day of November 2019 at Morigaon.

Lohit Kumar Sarmah
SDJM(S), Morigaon

APPENDIX

Prosecution witnesses:

PW1- Musstt. Wahida Begum (Informant-cum-victim)

Exhibits for the prosecution:

Ext-1 : Ejahar

Defence witness :

Nil

Exhibits for defence:

Nil

Lohit Kumar Sarmah
SDJM(S), Morigaon