

DISTRICT: MORIGAON

IN THE COURT OF ADDL. CHIEF JUDL.MAGISTRATE,

MORIGAON::::::::::ASSAM.

GR Case No. 1125 of 2016

U/S 341/323/427/294/34 of IPC.

PROSECUTOR: STATE OF ASSAM

-VS.-

ACCUSED: (I) MD. AJIJUL HOQUE

(II) MUSSTT. HASNARA BEGUM

Present : Smti. S. Acharyya, AJS,  
Addl. Chief Judicial Magistrate,  
Morigaon.

**APPEARANCE:**

For the State : Mr. P. Hazarika, Ld. Addl. Public Prosecutor.  
For the accused person : Mr. A. Alom, Learned Advocate.  
Offense explained on : 20.11.2019  
Evidence recorded on : 26.11.2019 & 30.11.2019.  
Argument heard on : 30.11.2019.  
Judgment delivered on : 30.11.2019.

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

**1.** The prosecution case in brief is that the informant Md. Mafijuddin lodged an ejahar stating inter alia that on 26.5.2016, at about 12.00 PM, the accused person Ajijul Hoque broke his bamboo and when the informant resisted then the accused person abused him and assaulted him and his son. Hence the case.

**2.** On receipt of the 'ejahar' at the police station, the same was registered as Bhuragaon P.S. Case No. 72/2016 and the matter was investigated upon.

**3.** After completion of investigation police filed a charge-sheet

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against the accused person Md. Ajijul Hoque and Musstt. Hasnara Begum under section 341/323/427/294/34 IPC.

**4.** On appearance of the accused person, they were allowed to go on bail. Relevant documents of the case were furnished to them. Upon perusal of materials on record and after hearing both sides, particulars of offence under section 341/323/427/294/34 IPC has been read over and explained to the accused persons to which they pleaded not guilty and claimed to be tried.

**5.** The prosecution in support of its case examined two witnesses. Whereas, the defence side has not examined any witness in support of its defence.

**6.** The examination under section 313 Cr.P.C. of the accused persons is dispensed with as found not necessary.

**7.** I have heard the argument advanced by the learned counsels for both sides.

**8.** Upon hearing and on perusal of the record I have framed the following points for determination:

(i) Whether the accused persons, on 26.05.2016, at about 12.00 PM, at Adholabheti, under PS- Bhuragaon in the district of Morigaon, in furtherance of common intention wrongfully restrained Md. Mafij Uddin and Md. Sahadul Islam and thereby committed an offense punishable U/S 341/34 of IPC?

(ii) Whether the accused persons, on the same date, time and place in furtherance of common intention, voluntarily caused hurt to Md. Mafij Uddin and Md. Sahadul Islam and thereby committed an offense punishable U/S 323/34 of IPC?

(ii) Whether the accused persons, on the same date, time and place in furtherance of common intention damaged the bamboos of the informant and thereby caused loss to him and thereby committed an offense punishable U/S 427/34 of IPC?

(iv) Whether the accused persons, on the same date, time and place in furtherance of common intention, abused Md. Mafij Uddin

with obscene language and thereby committed an offense punishable U/S 294/34 of IPC?

**DISCUSSION, DECISIONS AND REASONS FOR THE DECISIONS:**

**9.** For the convenience of discussion and for the sake of brevity, I am discussing all the points together.

**10.** PW1 Md. Mafizuddin, who is the informant cum victim and PW2 Md. Sahadul Hoque @ Islam, who is the victim inter alia deposed that PW1 instituted this out of misunderstanding and presently they have no allegation against the accused persons and they have no objection, if the accused persons are acquitted. PW1 exhibited the ejahar as Ext.1 and his signature as Ext.1(1).

**11.** I have carefully gone through the evidence on record. From the evidence it appears that PW1, who is the informant cum victim and PW2, who is the victim have not supported the prosecution case, as stated in the ejahar. In the result, there is no incriminating evidence against the accused persons.

**12.** In view of above discussion, the accused Md. Ajijul Hoque and Musstt. Hasnara Begum are acquitted of offence U/S 341/323/427/294/34 of IPC and set at liberty forthwith.

**13.** Bail bond shall remain in force for next six months.

**14.** The case is disposed of on contest.

**15.** Given under my hand and seal, today, the 30<sup>th</sup> day of November, 2019.

Dictated and corrected  
by me.

S. ACHARYYA  
Addl Chief Judicial Magistrate  
Morigaon.

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Addl Chief Judicial Magistrate  
Morigaon.

Dictation taken and  
transcribed be me.

Computer Typist.

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APPENDIX:

Prosecution witness:

PW1- Md. Mafijuddin

PW2- Md. Sahadul Hoque @ Islam

Prosecution exhibits:

Ext.1- Ejahar

Defence witness:

Nil.

Defence exhibit:

Nil.

Dictated and corrected  
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Addl Chief Judicial Magistrate  
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