

DISTRICT: MORIGAON

IN THE COURT OF ADDL. CHIEF JUDL.MAGISTRATE,

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

GR Case No. 56 of 2015

U/S 448/354(A)(i)(ii) of IPC.

PROSECUTOR: STATE OF ASSAM

-VS.-

ACCUSED: MD. FARIJUL ISLAM

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

**APPEARANCE:**

For the State : Mr. D. Nath, Learned Asstt. Public Prosecutor.  
For the accused person : Mr. A. K. Amin, Learned Advocate.  
Charge framed on : 08.05.2017 .  
Evidence recorded on : 13.06.2019.  
Argument heard on : 13.06.2019.  
Judgment delivered on : 13.06.2019.

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

1. The prosecution case in brief is that the informant Musstt. Sufia Khatun lodged an ejahar stating inter alia that after death of her husband she along with her children had been staying with accused Farijul Hoque, who is her uncle-in-law. That on 6.12.2014, at about 11.00 PM, the accused person entered into her house and caught her with ill intention. That on 7.12.2014, at about 11.00 AM, the accused kept her at Nagaon town along with her daughters and grand-daughter. That her life has been spoilt due to cheating of the accused. Hence the case.

2. On receipt of the 'ejahar' at the police station, the same was

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registered as Laharighat P.S. Case No. 14/2015 and the matter was investigated upon.

3. After completion of investigation police filed a charge-sheet against the accused person Md. Farijul Islam under section 448/354(A)(i)(ii) IPC.

4. On appearance of the accused person he was allowed to go on bail. Relevant documents of the case was furnished to him. Finding materials charges under section 448/354(A)(i)(ii) IPC has been framed in writing, read over and explained to the accused person to which he pleaded not guilty and claimed to be tried.

5. The prosecution in support of its case examined one witness. 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 person 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 person, on 6.12.2011, at about 11.00 P.M., committed criminal trespass into the dwelling room of Musstt. Sufia Khatun and thereby committed an offense punishable U/S 448 of IPC?

(ii) Whether the accused person, on the same date and place, committed (i) physical contact and advances involving unwelcome and explicit sexual overtures or (ii) demand or request for sexual favour towards / from the informant, Musstt. Sufia Khatun and thereby committed an offense punishable 354(A)(i)(ii) of IPC?

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

9. PW1 Musstt. Sufia Khatun, who is the informant cum victim inter alia deposed that there was argument between the accused person and the informant and presently she has no allegation against the accused person and she has no objection, if the accused person is acquitted.

10. I have carefully gone through the evidence on record. From the evidence it appears that PW1, who is the informant cum victim has not supported the prosecution case, as stated in the ejahar. In the result, there is no

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incriminating evidence against the accused person.

11. In view of above discussion, the accused person Md. Farijul Islam is acquitted of charges U/S 448/354(A)(i)(ii) IPC and set at liberty forthwith.

12. Bail bond shall remain in force for next six months.

13. The case is disposed of on contest.

14. Given under my hand and seal, today, the 13<sup>th</sup> day of June, 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.

APPENDIX:

Prosecution witness:

PW1- Musstt. Sufia Khatun

Prosecution exhibits:

Nil

Defence witness:

Nil.

Defence exhibit:

Nil.

Dictated and corrected  
by me.

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Addl Chief Judicial Magistrate  
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