

**IN THE COURT OF CHIEF JUDICIAL MAGISTRATE, MORIGAON, ASSAM**

**G.R. CASE NO.104/2016**

**State**

**Vs.**

- 1. Md. Rofiqul Islam  
Son of Late Maharuddin**
  - 2. Md Sirajul Islam  
Son of Late Maharuddin**
  - 3. Md. Amradul Islam  
Son of Late Maharuddin**
- All are residents of village: Dewaguri  
P.S.- Laharighat,  
District- Morigaon, Assam**

Present: Sri N.K. Das, AJS  
Chief Judicial Magistrate, Morigaon

For the state: Mrs. A. Kakati, Addl. P.P.

For the defense: Md. A. Salam (Jr.), Md. A. Nasar, Advocates

Offences explained: u/s 341/294/506(I)/34 of IPC

Evidence recorded on: 19-10-2019

Argument heard on: 19-10-2019

Judgment delivered on: 19-10-2019

**JUDGMENT**

**1.** The prosecution case in brief is that one Smti. Aliza Khatun lodged an ejahar in the Laharighat police station against the accused persons namely Md. Rofiqul Islam, Musstt. Romisa Khatun, Md. Sofiqul Islam, Md. Amradul Islam and Md. Sirajul Islam alleging therein that around 14 years prior to lodging of the ejahar, the aforementioned accused Md. Rofiqul Islam, with consent of the other aforementioned accused persons, married the informant. Out of the wedlock seven children were born. After marriage, the aforementioned accused persons on the slightest of pretext, in connection with domestic affairs, quarreled with her, abused her with obscene language and also beat her. On 12-1-2016, at about 9.00 a.m., in connection with a domestic quarrel, the accused persons together restrained the informant in their house, abused her with obscene language,

inflicted fist blows, kicks etc., pulled her hair, threw her on the ground, inflicted blows with bamboo sticks and thereby caused severe injuries on her person. The accused Md. Amradul Islam tried to kill her with a dagger and in such attempt inflicted dagger blows causing severe injuries on her person. The informant; however, somehow left the house of the accused persons and informed her parents to come and to take her and accordingly they came and took her to their house. At the time of lodging of the ejahar, she was taking shelter in the house of her parents.

**2.** The ejahar was received in the Laharighat police station on 12.1.2016 and a Laharighat police station case no.15/2016 under sections 143/325/307/354A/294 of IPC was registered and one sub inspector of police Sri Bharat Konwar was assigned to investigate the case by the Officer-in-charge of the said police station. On completion of investigation, police submitted charge sheet against the accused persons namely Md. Rofiqul Islam, Md. Sirajul Islam and Md. Amradul Islam under sections 341/294/506/34 of IPC.

**3.** On appearance of the accused persons before Court, copies of all relevant documents were furnished to the accused persons under section 207 CrPC. Particulars of offences under sections 341/294/506(I)/34 IPC were explained to the accused persons to which they pleaded not guilty and claimed to be tried.

**4.** Prosecution in support of its case examined 2 (two) witnesses namely, Musstt. Aliza Khatun, as PW-1, who is the informant cum alleged victim of the case and another witness namely Musstt. Anowara, who is the mother of the alleged victim, as PW-2. The ejahar was proved as exhibit-1 and the informant put her thumb impression on the ejahar. Examination of the accused persons under section 313 CrPC was dispensed with for lack of incriminating materials. Defense side refused to adduce any evidence.

**5.** I have heard the arguments of Smti. Alakananda Kakati, learned APP as well as Md. Abdus Salam (Jr.), assisted by Md. Abu Nasar, learned defence counsels, perused the case record and considered the same. The following points for determination are formulated:

- i. Whether the accused persons, on or about 12-1-2016 at about 9.00 a.m., at village Dewaguri under Laharighat police station of Morigaon district in furtherance of their common intention, wrongfully restrained Musstt. Aliza Khatun, so as to prevent her from proceeding in any direction in which she had

a right to proceed and thereby committed an offence punishable under section 341 of IPC read with section 34 of IPC?

- ii. Whether the accused persons, on or about the same date, time and place, in furtherance of their common intention, uttered obscene words in a public place to the annoyance of Musstt. Aliza Khatun and thereby committed an offence punishable under section 294 of IPC read with section 34 of IPC?
- iii. Whether the accused persons, on or about the same date, time and place, in furtherance of their common intention, threatened Musstt. Aliza Khatun to cause alarm to her and thereby committed an offence punishable under section 506(I) of IPC read with section 34 of IPC?

**Discussion of evidence, decision and reasons therefor:**

**6.** For convenience all the points for determination are taken up together for discussion. Both the witnesses deposed that the matter has already been amicably settled with the accused persons at the intervention of the villagers and the alleged victim woman has been residing with her husband i.e. accused Md. Rofiqul Islam. According to them, the case was lodged out of misunderstanding and as such, they no longer want to proceed with the case.

**7.** It is seen that there is absolutely nothing on record against the accused persons to implicate them with the alleged offences. The key witnesses did not implicate the accused persons with the alleged offences. In view of the deposition of the aforesaid witnesses the prosecution side did not proceed further to summon and examine the remaining witnesses as their evidence is not likely to improve the prosecution case and closed the prosecution evidence and perhaps rightly so.

**8.** For the aforesaid reasons and discussion the points for determination are answered in the negative.

**9.** The prosecution has failed to prove the case against the accused persons. As such the accused persons are found not guilty and accordingly acquitted of offences under sections 341/294/506(I)/34 IPC alleged against them. They be set at liberty forthwith. Their bail bonds shall remain in force for six months from today in view of section 437A of CrPC.

**10.** The judgment is pronounced in open court and given under my hand and seal on this 19<sup>th</sup> day of October, 2019 at Morigaon, Assam.

Chief Judicial Magistrate, Morigaon

**APPENDIX**

- (A) PROSECUTION EXHIBITS:**  
Ext.-1: Ejahar
- (B) DEFENCE EXHIBITS**  
None
- (C) EXHIBITS PRODUCED BY WITNESSES**  
None
- (D) COURT EXHIBITS**  
None
- (E) PROSECUTION WITNESSES**  
P.W.-1: Musstt Aliza Khatun  
P.W.-2: Musstt. Anowara
- (F) DEFENCE WITNESSES**  
None
- (G) COURT WITNESSES**  
None

Chief Judicial Magistrate, Morigaon