

DISTRICT: MORIGAON

IN THE COURT OF ADDL. CHIEF JUDL.MAGISTRATE,

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

GR Case No. 1430 of 2017

U/S 447/294/323/354/34 of IPC.

PROSECUTOR: STATE OF ASSAM

-VS.-

ACCUSED: (1) MD. REHMAT ULLAH

(2) MD. MANNAS ALI

(3) MD. ASAD ALI

(4) MD. DULAL UDDIN

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

**APPEARANCE:**

For the State : Mr. D. Nath, Ld. Asstt. Public Prosecutor.

For the accused persons : Mr. F. Ahmed, Learned Advocate.

Charge framed on : 26.04.2019.

Evidence recorded on : 12.07.2019 & 30.10.2019.

Argument heard on : 30.10.2019.

Judgment delivered on : 30.10.2019.

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

**1.** The prosecution case in brief is that the informant Md. Jiaruddin lodged an ejahar stating inter alia that on 04.06.2017, at about 9.00 AM, the accused persons criminally trespass into his house along with dao, stick etc and abused with obscene words and assaulted his father Abdul Rashid. That when his brothers Reazuddin, Saharuddin and Fakaruddin restrained, the accused persons assaulted them too. That hearing their hue and cry, his sister-in-law Musstt. Najima Khatun reached there and then the accused persons assaulted her and torn her cloth. Hence the case.

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**2.** On receipt of the 'ejahar' at the police station, the same was registered as Moirabari P.S. Case No. 239/2017 and the matter was investigated upon.

**3.** After completion of investigation police filed a charge-sheet against the accused persons (i) Md. Rehmat Ullah, (ii) Md. Mannas Ali, (iii) Md. Asad Ali and (iv) Md. Dulal Uddin under section 447/294/352/354/506/34 IPC.

**4.** On appearance of the accused persons, they were allowed to go on bail. Relevant documents of the case were furnished to him. Upon perusal of materials on record and after hearing both sides, charge under section 447/294/323/354/34 IPC has been framed, 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 six 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 point for determination:

(i) Whether the accused persons, 04.06.2017, at about 9.00 AM, at Lengribori village under PS Moirabari Dist. Morigaon in furtherance of common intention criminally trespassed into house compound of the informant, Md. Jiaruddin and thereby committed an offense punishable U/S 447/34 of IPC?

(ii) Whether the accused persons, on the same date, time and place in furtherance of common intention abused Md. Abdul Rashid with filthy language and thereby committed an offense punishable U/S 294/34 of IPC?

(iii) Whether the accused persons, on the same date, time and place in furtherance of common intention voluntarily caused hurt to Md. Abdul Rashid, Md. Riaj Uddin, Md. Jahur Uddin, Md. Fakar Uddin and Musst. Najima Khatun and thereby committed an offense punishable U/S 323/34 of IPC?

(iv) Whether the accused persons, on the same date, time and place

in furtherance of common intention outraged the modesty of Musstt. Najima Khatun and thereby committed an offense punishable U/S 354/34 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. Jiaruddin, who is the informant and PW2 Md. Abdul Rashid, PW3 Md. Fakaruddin, PW4 Md. Reazuddin, PW5 Md. Saharuddin and PW6 Musstt. Najima Khatun, who are the victims inter alia deposed that there was quarrel between them and the accused persons and presently they have no allegations against the accused persons and they have no objection if the accused persons are acquitted in this case. 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 and PW2, PW3, PW4, PW5 and PW6, who are the victims, 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 persons (i) Md. Rehmat Ullah, (ii) Md. Mannas Ali, (iii) Md. Asad Ali and (iv) Md. Dulal Uddin are acquitted of charge u/s 447/294/323/354/34 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 October, 2019.

Dictated and corrected  
by me.

S. ACHARYYA  
Addl Chief Judicial Magistrate  
Morigaon.

S. ACHARYYA  
Addl Chief Judicial Magistrate  
Morigaon.

Dictation taken and  
transcribed be me.

Computer Typist.

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APPENDIX:

Prosecution witness:

PW1- Md. Abdul Rasid  
PW2- Md. Jiaruddin  
PW3- Md. Fakaruddin  
PW4- Md. Reazuddin  
PW5- Md. Saharuddin  
PW6- Musstt. Najima Khatun

Prosecution exhibits:

Ext.1- Ejahar

Defence witness:

Nil.

Defence exhibit:

Nil.

Dictated and corrected  
by me.

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Addl Chief Judicial Magistrate  
Morigaon.

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