

DISTRICT: MORIGAON

IN THE COURT OF ADDL. CHIEF JUDL.MAGISTRATE,

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

GR Case No. 1729 of 2017

U/S 380 of IPC.

PROSECUTOR: STATE OF ASSAM

-VS.-

ACCUSED: MD. GULBAHAR ISLAM

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 : Mrs. M. Sultana Begum, Ld. LAC.
Charge framed on : 19.09.2019.
Evidence recorded on : 17.10.2019.
Argument heard on : 17.10.2019.
Judgment delivered on : 17.10.2019.

J U D G M E N T

1. The prosecution case in brief is that the informant Md. Anuwar Hussain lodged an ejahar stating inter alia that on 30.06.2017, at about 10.00 PM, when he had been coming from toilet, he had seen a person came out from his house. When he entered his house, he found two numbers of his mobile handsets were stolen. Hence the case.

2. On receipt of the 'ejahar' at the police station, the same was registered as Moirabari P.S. Case No. 292/2017 and the matter was investigated upon.

3. After completion of investigation police filed a charge-sheet against the accused person Gulbahar Islam and Ebadul Islam under section

Contd.....2/-

380 IPC. The case is spilt up against accused Ebadul Islam.

4. The accused was arrested during the trial stage. Relevant documents of the case were furnished to him. Finding materials, charges under section 380 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 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 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 30.06.2017, at about 10.40 AM, at Tatikata under PS Moirabari and Dist. Morigaon committed theft of two mobile phones Redmi Note 4 along with sim card and Intex mobile from the house of Anuwar Hussain and thereby committed an offense punishable under section 380 of IPC?

DISCUSSION, DECISIONS AND REASONS FOR THE DECISIONS:

9. PW1 Md. Majibur Rahman, inter alia deposed he knows nothing about the case.

10. PW2 Md. Anuwar Hussain, who is the informant inter alia deposed that in the year 2017, at night, his two mobile handsets were stolen from his house. After 4/5 days, he got his mobile in the terrace of his house. That he has no allegation against the accused person and he has no objection, if the accused person is acquitted. Cross examination of PW1 and PW2 is declined by the defense side.

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

12. In view of above discussion, the accused person Md. Gulbahar Islam is acquitted of charges U/S 380 IPC and set at liberty forthwith.

13. The case is disposed of on contest.

14. Given under my hand and seal, today, the 17th day of October, 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- Md. Majibur Rahman

PW2- Md. Anuwar Hussain

Prosecution exhibits:

Ext.1- Ejahar

Defence witness:

Nil.

Defence exhibit:

Nil.

Dictated and corrected
by me.

S. ACHARYYA
Addl Chief Judicial Magistrate
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