

DISTRICT: MORIGAON

IN THE COURT OF ADDL. CHIEF JUDL.MAGISTRATE,

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

GR Case No. 1748 of 2017

U/S 143/341/326/427/149 of IPC.

PROSECUTOR: STATE OF ASSAM

-VS.-

ACCUSED: (I) MD. NURUL AMIN,

(II) MD. SADDAM HUSSAIN

(III) MD. FARHAN ALI @ FARHAN AHMED

(IV) MD. IQBAL HUSSAIN

(V) MUSSTT. SAMSUN NEHAR

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

APPEARANCE:

For the State : Mr. P. Hazarika, Learned Addl. Public Prosecutor.
For the accused person : Mr. K. Islam, Learned Advocate.
Charge framed on : 10.04.2019.
Evidence recorded on : 27.06.2019.
Argument heard on : 27.06.2019.
Judgment delivered on : 27.06.2019.

J U D G M E N T

1. The prosecution case in brief is that the informant Md. Tafajul Islam lodged an ejahar stating inter alia that on 20.7.2017, at about 11.30 AM, when he was going towards Moirabari on his Pulsar motor cycle bearing registration number AS-01-BJ-1264, the accused persons restrained him and assaulted him with iron rod, thereby caused grievous injury to him. Then the accused persons hit the motor cycle with iron rod and damaged the same. That

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when his aunty Jahanara Begum resisted, then the accused persons assaulted her too. Hence the case.

2. On receipt of the 'ejahar' at the police station, the same was registered as Bhelowguri P.S. Case No. 92/2017 and the matter was investigated upon.

3. After completion of investigation police filed a charge-sheet against the accused persons (i) Md. Nurul Amin, (ii) Md. Saddam Hussain, (iii) Md. Farhan Ali @ Farhan Ahmed, (iv) Md. Iqbal Hussain and (v) Musstt. Samsun Nehar under section 143/341/326/427 IPC.

4. On appearance of the accused persons they were allowed to go on bail. Relevant documents of the case was furnished to them. Considering the material, charges under section 143/341/326/427/149 IPC have been framed in writing, 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 20.07.2017, at about 11.30 AM, at Barchapori under PS Bhelowguri and Dist. Morigaon were the members of unlawful assembly and thereby committed an offense punishable under section 143 of IPC?

(ii) Whether the accused persons, on the same date, time and place in prosecution of common object wrongfully restrained (i) Md. Tafajul Islam and (ii) Musstt. Jahanara Begum and thereby committed an offense punishable Under Section 341/149 of IPC?

(iii) Whether the accused persons, on the same date, time and place in prosecution of common object voluntarily caused grievous hurt to (i) Md. Tafajul Islam and (ii) Musstt. Jahanara Begum with dangerous weapon and thereby committed an offense punishable U/S 326/149 of IPC?

(iv) Whether the accused persons, on the same date, time and place in prosecution of common object committed mischief and caused damage to the motorcycle of Md. Tafajul Islam and thereby caused loss to him and thereby committed an offense punishable U/S 427/149 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 Musstt. Jahanara Khatun and PW2 Md. Tafajul Islam, who are victims and informant inter alia deposed that there was an argument between PW2 and the accused persons and the matter has been amicably settled. That they have no allegation against the accused persons and they have no objection, if the accused persons are acquitted. PW2 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 of PW1 and PW2, who are victims and informant, it appears that they 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. Nurul Amin, (ii) Md. Saddam Hussain, (iii) Md. Farhan Ali @ Farhan Ahmed, (iv) Md. Iqbal Hussain and (v) Musstt. Samsun Nehar are acquitted of charges U/S 143/341/326/427/149 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 27th 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.

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APPENDIX:

Prosecution witness:

PW1- Musstt. Jahanara Khatun

PW2- Md. Tafajul Islam.

Prosecution exhibits:

Ext.1 – Ejahar.

Defence witness:

Nil.

Defence exhibit:

Nil.

Dictated and corrected
by me.

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Addl Chief Judicial Magistrate
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