

DISTRICT: MORIGAON

IN THE COURT OF ADDL. CHIEF JUDL.MAGISTRATE,

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

GR Case No. 2364 of 2016

U/S 341/325 of IPC.

PROSECUTOR: STATE OF ASSAM

-VS.-

ACCUSED : MD. JULHAS ALI

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. U. C. Roy & Md. A. Hoque, Learned Advocates.
Charge framed on : 12.03.2019.
Evidence recorded on : 25.03.2019.
Argument heard on : 25.03.2019.
Judgment delivered on : 25.03.2019.

J U D G M E N T

1. The prosecution case in brief is that the informant Md. Samser Ali lodged an ejahar stating inter alia that on 14.09.2016, at about 9.00 PM, when he was coming back from Khanda Pukhuri by riding his motorcycle, then accused person Md. Julhas Ali and two others attacked him with iron rod and sharp weapon and caused injury to him. Hence the case.

2. On receipt of the 'ejahar' at the police station, the same was registered as Mikirbheta P.S. Case No. 330/16 and the matter was investigated upon.

3. After completion of investigation police filed a charge-sheet against the accused Md. Julhas Ali under section 341/325 IPC.

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4. On appearance of the accused person he was 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 341/325 IPC have been framed, 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 14.09.2016, at about 9.00 PM, at Rahdhola village under PS Mikirbheta Dist Morigaon, wrongfully restrained Md. Samser Ali and thereby committed an offense punishable under section 341 of IPC?

(ii) Whether the accused person, on the same date, time and place caused grievous hurt to Md. Samser Ali and thereby committed an offense punishable U/S 325 of IPC?

DISCUSSION, DECISIONS AND REASONS FOR THE DECISIONS:

9. For convenience of discussion and for the sake of brevity, I am discussing all the points together. PW1 Md. Samser Ali, who is the informant and victim inter alia deposed that there was argument between him and the accused person and presently he has no allegation against the accused person and he has no objection, if the accused person is acquitted. He exhibited the ejahar as Ext.1 and his signature as Ext.1(1).

10. I have carefully gone through the evidence on record. From the evidence it appears that PW1 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.

11. In view of above discussion, the accused Md. Julhas Ali is
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acquitted of charge U/S 341/325 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 25th day of March, 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. Samsar Ali

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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