

IN THE COURT OF ADDL. CHIEF JUDICIAL MAGISTRATE NALBARI Present: Pranami Goswami, Addl. CJM, Nalbari (Date of judgment: 19/04/2024) Case No: PRC 581/2023	
COMPLAINANT	Musstt. Rajima Begum
REPRESENTED BY	Smti. Tribeni Devi, Ld. APP
ACCUSED	Md. Asad Ali and Musstt. Anowara Ahmed
REPRESENTED BY	Sri Rajdeep Patgiri, Ld. Counsel

Date of Offence	03.12.2022
Date of FIR	06.12.2022
Date of Charge-sheet	29.12.2022
Date of O.E.	06.02.2024
Date of commencement of evidence	19.04.2024
Date on which judgment is reserved	N/A
Date of judgment	19.04.2024
Date of the sentencing order, if any	N/A

Accused Details

Rank of the Accused	Name of Accused	Date of Arrest	Date Release on bail	Offences Charged with	Whether Acquitted or convicted	Sentence imposed	Period of Detention Undergone during trial for purpose of Sec 428 Cr.P.C
1.	Md. Asad Ali			U/S 447/294/506/34 IPC	Acquitted		
2.	Musstt. Anowara Ahmed						

JUDGMENT

1. The prosecution case in brief is that informant Musstt. Rajima Begum lodged an ejahar dated 06.12.2022 before O/C Mukalmua P.S against accused persons namely Md. Asad Ali, Musstt. Anowara Ahmed and Musstt. Lilima Bibi inter-alia stating that on 03.12.2022 at about 5:30

P.M., accused Md. Asad Ali came to her house when her husband was not at house and threatened to set her on fire due to previous animosity. When he was opening the tin of the roof of the varandah of the informant, the informant restrained him and as a result the accused snatched her mobile phone worth Rs. 10,000/- (Ten thousand) from her hand where there was 939545569 Jio SIM and 9387006033 Airtel SIM and threw it and broke it. All the above mentioned accused persons physically assaulted her causing injury to her. When her sister-in-law Musstt. Nazima Begum came to rescue her they assaulted her also causing injury to her. Informant lost her one pair of gold earring. Hence, the case.

2. The ejahar was received by O.C Mukalmua Police Station wherein it was registered vide Mukalmua P.S. Case No. 602/22 under section 447/427/325/506/34 IPC.

3. After completion of investigation the Investigating Officer of the case filed charge sheet against the accused persons namely Md. Asad Ali and Musstt. Anowara Ahmed under section 447/294/506/34 IPC.

4. Copy of the relevant document was furnished to the accused persons under section 207 Cr.P.C when they appeared before the Court.

5. Particulars of offence u/s 447/294/506/34 of IPC were read over and explained to the accused persons to which they pleaded not guilty and claimed to be tried.

6. The prosecution has examined two (02) witnesses. As per the submission of Ld. Assistant Public Prosecutor, further evidence of prosecution side was closed.

7. The statements in defence of the accused persons u/s 313 of the Code of Criminal Procedure are dispensed with as there are no incriminating materials found against the accused persons. Defence side examined no witnesses.

8. **POINTS FOR DETERMINATION:**

(i). Whether the accused persons in furtherance of their common intention on 03.12.2022 at about 5:30 P.M., at Madhapur, under the jurisdiction of Mukalmua P.S. criminally trespassed in the house of informant Musstt. Rajima Begum to commit an offence to cause annoyance

to the informant and thereby committed an offence punishable u/s 447/34 of I.P.C?

(ii). Whether the accused persons in furtherance of their common intention in the aforementioned date, time and place uttered obscene words to the informant Musstt. Rajima Begum in public place to the annoyance of others and thereby committed an offence u/s 294/34 of I.P.C?

(iii). Whether the accused persons in furtherance of their common intention in the aforementioned date, time and place threatened to set informant Musstt. Rajima Begum on fire and thereby committed an offence u/s 506/34 of I.P.C?

9. I have heard the oral arguments advanced by both the parties. I have also gone through the entire evidence on record. My decision and reasons for my decision are discussed as under.

DISCUSSION, DECISION AND REASONS THEREOF:

10. PW-1 (informant), Musstt. Rajima Begum has stated that she lodged this case against Anowara Ahmed and Ashad Ali. They are her brother-in-law and sister-in-

law. Due to some misunderstanding she lodged this case. They have settled the matter amicably. She does not want to proceed with the case. She has no allegation against the accused persons. Exhibit P-1/PW-1 is the ejahar and Exhibit P-1(1)/PW-1 is her signature. Exhibit P-2/PW-1 is the FIR Form and Exhibit P-2(1)/PW-1 is her signature.

During cross-examination PW-1 deposed that she has no objection if the accused persons get acquittal in this case.

11. PW-2, Musstt. Najima Begum deposed that the informant is her sister-in-law. The accused persons are her brother-in-law and sister-in-law. Due to some misunderstanding the informant lodged this case. They have settled the matter amicably. She has no allegation against the accused persons.

During cross-examination PW-2 deposed that she has no objection if the accused persons get acquittal in this case.

12. From the evidences of PW-1 (informant) and PW-2 (victim) it is seen that due to some misunderstanding informant lodged this case against the accused persons. Now, they have settled the matter amicably. Nowhere in the evidence of the witnesses is it found that the accused

persons have assaulted PW-1 and PW-2 and threatened to set PW-1 (informant) on fire by criminally trespassing in the house of informant. Neither is it found that the accused persons have uttered obscene words in public place causing annoyance to others. Hence, there is no incriminating material in the evidence of the witnesses against the accused persons that they have committed offence under section-447/294/506/34 of IPC.

13. Hence, accused persons namely Md. Asad Ali and Musstt. Anowara Ahmed are acquitted from the charge labeled against them and set at liberty forthwith.

14. Bail bond furnished by the bailor is extended for a period of six months.

Given under my hand and seal of this Court on the 19th day of April, 2024 at Nalbari.

Dictated and corrected by me

Smti. P.Goswami

Addl. CJM

Typed by:

Nalbari

Smti. T. Paul

Stenographer Grade III

APPENDIX

LIST OF PROSECUTION/DEFENCE/COURT WITNESSES

A. Prosecution:

RANK	NAME	NATURE OF EVIDENCE
PW-1	Musstt. Rajima Begum	Informant
PW-2	Musstt. Najima Begum	Victim

B. Defence witness: N/A

RANK	NAME	NATURE OF EVIDENCE
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C: Court Witnesses, if any: N/A

RANK	NAME	NATURE OF EVIDENCE
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LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS

A. Prosecution:

SI No	Exhibit No	Description
1.	Exhibit P-1/PW-1	Ejazar
2.	Exhibit P-1(1)/PW-1	Signature of PW-1 (informant), Musstt. Rajima Begum

3.	Exhibit P-2/PW-1	FIR Form
4.	Exhibit P-2(1)/PW-1	Signature of PW-1 (informant), Musstt. Rajima Begum

B. Defence: N/A

SI No	Exhibit No	Description
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C. Court Exhibits: N/A

SI No	Exhibit No	Description
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D. Material Objects: N/A

SI No	Exhibit No	Description
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Smti. P.Goswami

Addl. CJM

Nalbari