

**APPENDIX**

<b>IN THE COURT OF CHIEF JUDICIAL MAGISTRATE,          BAKSA, MUSHALPUR</b> Present : Smti. Dimple Boro, CJM. Date of Judgment: 20-12-2022 <b>Case No. : PRC-551/2021</b> Tamulpur PS Case No. : 211/2017 <b>U/s : 294/506 IPC</b>	
Complainant	State of Assam
Represented by	Mr. <b>Ranjit Basumatary</b> , APP.
Accused	1. Ali Hussain, S/o : Lt. Babar Ali, Vill: Dwarkuchi, PS : Tamulpur, Dist. : Tamulpur. <b>(A-1)</b>
Represented by	<b>Adv. Abdul Chand Azad</b>
Date of Offence	<b>19-07-2017</b>
Date of FIR	<b>20-07-2017</b>
Date of Charge Sheet	<b>31-08-2017</b>
Date of Framing of Charge	<b>03-12-2022</b>
Date of commencement of evidence	<b>16-12-2022</b>
Date on which judgment is reserved	<b>NA</b>
Date of Judgment	<b>20-12-2022</b>
Date of the Sentencing Order, if any	<b>NA</b>

**Accused Details:**

Rank of the Accused	Name of Accused	Date of Arrest	Date of Release On Bail	Offences Charged with	Whether Acquitted or convicted	Sentence Imposed	Period of Detention Undergone during Trial for purpose of Sec. 428 Cr.PC.
<b>A-1</b>	Ali Husain		<b>25-11-2022</b>	U/s 294/506 IPC	Acquitted	NA	

**APPENDIX****LIST OF PROSECUTION/DEFENCE/COURT WITNESSES****A. Prosecution:**

<b>RANK</b>	<b>NAME</b>	<b>NATURE OF EVIDENCE</b> (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
<b>PW1</b>	<b>Khadija Khatun</b>	<b>Informant –cum-victim</b>
<b>PW2</b>	<b>Asia Begum</b>	<b>Independent witness</b>
<b>PW3</b>	<b>Amir Ali</b>	<b>Victim</b>
<b>PW4</b>	<b>Sharbanu Begum</b>	<b>Victim</b>

**B. Defence Witnesses, if any : NIL**

<b>RANK</b>	<b>NAME</b>	<b>NATURE OF EVIDENCE</b> (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
-------------	-------------	---

**C. Court Witnesses, if any : NIL**

<b>RANK</b>	<b>NAME</b>	<b>NATURE OF EVIDENCE</b> (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
-------------	-------------	---

**LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS****A. Prosecution: NIL.**

<b>Sr. No.</b>	<b>Exhibit Number</b>	<b>Description</b>
----------------	---------------------------	--------------------

**B. Defence: NIL**

<b>Sr. No.</b>	<b>Exhibit Number</b>	<b>Description</b>
----------------	---------------------------	--------------------

**C. Court Exhibits: NIL.**

<b>Sr. No.</b>	<b>Exhibit Number</b>	<b>Description</b>
----------------	---------------------------	--------------------

**D. Material Objects: NIL.**

<b>Sr. No.</b>	<b>Exhibit Number</b>	<b>Description</b>
----------------	---------------------------	--------------------

**JUDGMENT**

- 1.** The prosecution story in brief is that on 20-07-2017, informant Khatija Khatun lodged an FIR before OC, Tamulpur PS to the effect that the accused is the son-in-law of the informant. In the night of 19-07-2017, the accused was assaulting the informant's daughter Sharbhanu Begum. The accused demanded Rs. 20,000/- from the informant and as her daughter could not bring the said money, the accused assaulted Sharbhanu Begum. Hearing hue and cry, the informant and her son Amir Ali went there and saw the accused assaulting Sharbhanu Begum. Then as the informant prevented the accused, he gave a blow on her right hand by one broken bamboo firewood and fell her to the ground by catching her hair and dragged her. Her son Amir Ali had prevented the accused, then the accused gave an iron blow on his head. As a result, Amir Ali fell to the ground and there was bleeding from his head. Thereafter Ramjan Ali took Amir Ali to Tamulpur PS and police caused his medical treatment. Amir Ali had received four stiches on his head.
- 2.** Police registered a case against accused Ali Hussain u/s 325/354 IPC and after completion of investigation submitted charge-sheet against accused person u/s 294/506 IPC.

- 3.** Particulars of the offence u/s 294/506 IPC were read over and explained to the accused person to which the accused person pleaded not guilty and claimed to be tried.
- 4.** The prosecution examined 4 (four) PWs. The defence has examined none.
- 5.** The accused person is examined u/s 313 Cr.P.C. The accused person has declined to adduce evidence.
- 6.** I have heard argument of the learned A.P.P. as well as the learned defence counsel and perused all the relevant documents available on record.

**7. Points for determination:**

1. Whether the accused person had uttered obscene words in the public to the annoyance of the informant and others?
2. Whether the accused person had criminally intimidated the informant?

**8. Decision and reasons for the decision:**

**9. Point No.1 & 2:**

- 10.** The prosecution has examined the informant as PW1, the informant's daughter Sharbhanu Begum as PW4, the informant's son Amir Ali as PW3 and the first wife of the accused as PW2 (Asia Begum). None of the PWs have said anything against the accused person. It can be seen that the

ingredients of S. 294/506 IPC are not established in our present case.

**11.** From the above discussions, I find that the evidence is not sufficient against the accused person. Hence, I find that it is not proved that the accused person had uttered obscene words in the public to the annoyance of the informant and others **AND** the accused person had criminally intimidated the informant. So, the accused person cannot be held guilty u/s. 294/506 IPC.

**12.** From the above discussions, I am of the considered opinion that the prosecution has failed to prove the guilt of the accused beyond reasonable doubt u/s 294/506 IPC. So, I acquit accused Ali Hussain of the charge u/s 294/506 IPC and is set at liberty.

**13.** Given under my hand and seal of this Court this 20<sup>th</sup> day of December, 2022.

Typed by me-

**(D.BORO)**  
**CJM, BAKSA**

**(D.BORO)**  
**CJM, BAKSA**