

IN THE COURT OF THE
CHIEF JUDICIAL MAGISTRATE ::BAKSA.
PRC No. 883 of 2019
Under Section 294/323/34 IPC

Present :- Smti. D. Boro, AJS,
Chief Judicial Magistrate, Baksa.

The State of AssamProsecution.

-Vs-

Nur Ahmed @ Nurul Islam
Jahidul Islam

Abul Kalam.....Accused Persons.

Evidence recorded on : - 04-01-2022

Argument heard on : - 04-01-2022

Judgment delivered on : - 04-01-2022

Advocate Appeared :-

Mr. **Ranjit Basumatary**, A.P.P. for the State of Assam.

Mr. **Matiur Rahman**

Mr. **Swapan Goyary**...Advocate for the accused person.

J U D G M E N T

1. The prosecution story in brief is that on 22-03-2016 informant Sufiya Khatun, lodged an FIR before OC, Gobardhana PS to the effect that one day in January 2016 at around 5 PM while she went to the road from house, the accused persons had verbally abused her without any reason. When she asked the accused persons not to abuse her, they had beaten her by sandal and given her fist blows. As a result she became unconscious and fell to the ground. The accused persons had taken away silver chain and gold

ear ring from the informant. The FIR is lodged delayed as the villagers told her to hold village meeting.

2. Police registered a case against the three nos. of accused persons u/s 294/325/392/34 IPC and after completion of investigation submitted charge-sheet against accused Nur Ahmed, Jahidul Islam and Abul Kalam u/s 294/323/34 IPC.
3. Substances of accusation u/s 294/323/34 IPC are read over and explained to the accused persons to which the accused persons pleaded not guilty and claimed to be tried.
4. The prosecution examined 1 (one) no. of witness.
5. The accused persons are examined u/s 313 Cr.P.C. The accused persons have declined to adduce evidence.
6. I have heard argument of the learned Asst. 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 persons had in furtherance of common intention uttered obscene words in the public to the annoyance of the informant?
- 2) Whether informant Sufiya Khatun had sustained hurt?
- 3) Whether the accused persons had in furtherance of common intention voluntarily caused hurt to informant Sufiya Khatun?

8. DISCUSSIONS, REASONS & DECISION THEREFOR-

9. Point No.1, 2 and 3:

10. The prosecution has examined the informant cum alleged victim as PW1. But she has not said anything against the

accused persons before the Court while adducing evidence. Under such circumstance, the ingredients of S. 294/323 IPC are not proved.

- 11.** From the above discussions, I find that that it is not proved that the accused persons had in furtherance of common intention uttered obscene words in the public to the annoyance of the informant **AND** informant Sufiya Khatun had sustained hurt **AND** the accused persons had in furtherance of common intention voluntarily caused hurt to informant Sufiya Khatun. So, the accused persons cannot be held guilty u/s **294/323/34** IPC
- 12.** From the above discussions, I am of the considered opinion that the prosecution has failed to prove the guilt of the accused persons beyond reasonable doubt u/s **294/323/34** IPC. So, I acquit the accused persons viz. Nur Ahmed @ Nurul Islam, Jahidul Islam and Abul Kalam of the charge u/s **294/323/34** IPC and are set at liberty.
- 13.** Given under my hand and seal of this Court this 4th day of January, 2022.

Typed by me--

D. Boro
Chief Judicial Magistrate,
Baksa

D. Boro
Chief Judicial Magistrate,
Baksa