

APPENDIX

IN THE COURT OF CHIEF JUDICIAL MAGISTRATE, BAKSA, MUSHALPUR Present : Smti. Dimple Boro, CJM. Date of Judgment: 28-03-2022 Case No. : PRC-1024/2019 Gobardhana PS Case No. : 155/18	
Complainant	State of Assam (Informant Anowar Hussain)
Represented by	Mr. Ranjit Basumatary, APP.
Accused	1. Mahidul Sikdar, S/o :Lt. Kashem Ali Sikdar, Vill: Helonarpam, PS : Gobardhana, Dist. : Baksa. (A-1)
Represented by	Mr. Gobinda Ch. Nath

APPENDIX

Date of Offence	20.05.2018
Date of FIR	21.05.2018
Date of Charge Sheet	31.05.2018
Date of Framing of Charge	18.12.2021
Date of commencement of evidence	10.02.2022
Date on which judgment is reserved	NA
Date of Judgment	28.03.2022
Date of the Sentencing Order, if any	NA

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.
A-1	Mahidul Sikdar	11.06.2018	11.06.2018 (Police Bail)	294/323/ 506 IPC	Acquitted	NA	NA

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

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
PW1	Anowar Hussain	Informant cum victim

B. Defence Witnesses, if any : NIL

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
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C. Court Witnesses, if any : NIL

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
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APPENDIX**LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS****A. Prosecution:**

Sr. No.	Exhibit Number	Description
1	Exhibit P-1/PW1	NIL

B. Defence: NIL

Sr. No.	Exhibit Number	Description
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C. Court Exhibits: NIL

Sr. No.	Exhibit Number	Description
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D. Material Objects: NIL

Sr. No.	Exhibit Number	Description
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JUDGMENT

1. The prosecution story in brief is that on 21.05.2018, informant Anowar Hussain lodged an FIR at Simlaguri PPP under Gobardhana P.S. stating inter-alia that on 20.05.2018 at about 4.30 AM after "Fazar" Namaz the informant went to the house of Joher Ali of Helonarpam village searching labour and while he was talking, the accused persons came there and made unreasonable argument with him and verbally abused him using indecent words. On his resistance, accused Mahidul Sikdar gave a blow by one wooden plank on his head to kill him. As a result, the informant sustained grievous head injury and blood started oozing from the wound. Later on, on his hue and cry, Joher Ali, Sofia Khatun saved him from the grasp of the accused persons. The accused persons had threatened to kill him in future wherever he will be found.

2. Points for determination:

- (1) Whether the accused person had uttered obscene words in the public to the annoyance of the informant?
- (2) Whether informant Anowar Hussain had sustained simple hurt?

- (3) Whether the accused person had voluntarily cause simple hurt to informant Anowar Hussain?
- (4) Whether the accused person had criminally intimidated the informant Anowar Hussain?

3. Decision and reasons for the decision:

4. Point No.1, 2, 3 & 4:

5. The prosecution has examined the informant cum victim as PW1. The PW1 has said nothing against the accused persons. The accused person is his cousin brother. Exhibit P-1/PW1 is FIR. It can be seen that the ingredients of Sections 294/323/506 IPC are not established in our present case. 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** informant Anowar Hussain had sustained simple hurt **AND** the accused person had voluntarily cause simple hurt to informant Anowar Hussain **AND** the accused person had criminally intimidated the informant Anowar Hussain. So, the accused person cannot be held guilty u/s 294/323/506 IPC.
6. From the above discussions, I am of the considered opinion that the prosecution has failed to prove the guilt of the accused person beyond reasonable doubt u/s 294/323/506 IPC. So, I acquit the accused person of the charges u/s 294/323/506 IPC and is set at liberty.

7. Given under my hand and seal of this Court this 28th day of March, 2022.

Typed by me-

(D.BORO)
CJM, BAKSA

(D.BORO)
CJM, BAKSA