

APPENDIX

IN THE COURT OF CHIEF JUDICIAL MAGISTRATE, BAKSA, MUSHALPUR Present : Smti. Dimple Boro, CJM. Date of Judgment: 11-05-2022 Case No. : PRC-1097/19 Tamulpur PS Case No. : 475/19 U/s : 294/448/323/34 IPC	
Complainant	State of Assam
Represented by	Mr. Ranjit Basumatary , APP.
Accused	1. Md. Hafijuddin Ali, S/o :Lt. Israhil Seikh, Vill: Guwakuchi, PS : Tamulpur, Dist. : Baksa. (A-1) 2. Ajiman Nesa, W/o: Hafijuddin Ali, Vill: Vill: Guwakuchi, PS : Tamulpur, Dist. : Baksa. (A-2) 3. Fajila Begum, W/o : Ainal Ali, Vill : Vill: Guwakuchi, PS : Tamulpur, Dist. : Baksa. (A-3)
Represented by	Adv. Abdul Gaffur
Date of Offence	05-09-2019
Date of FIR	06-10-2019
Date of Charge Sheet	31-10-2019
Date of Framing of Charge	10-03-2022
Date of commencement of evidence	24-03-2022
Date on which judgment is reserved	NA
Date of Judgment	11-05-2022
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	Md. Hafijudd in Ali	NA	24-10-2019	294/448 /323/34 IPC	Acquitted	NA	NA
A-2	Ajiman Nesa	NA	24-10-2019	294/448 /323/34 IPC	Acquitted	NA	NA
A-3	Fajila Begum	NA	24-10-2019	294/448 /323/34 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	Fajiran Khatun	Informant

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

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

B. Defence: NIL

Sr. No.	Exhibit Number	Description
1	Exhibit D-1/DW1	NIL

C. Court Exhibits:

Sr. No.	Exhibit Number	Description
1	Exhibit C-1/CW1	NIL

D. Material Objects:

Sr. No.	Exhibit Number	Description
1	MO1	NIL

J U D G M E N T

1. The gist of the case is that on 05/10/2019 at about 9.00 am the accused persons drove out informant Fajiran Khatun with her small children after physical assault so that she leaves the house.
2. Police registered a case against the accused persons viz. Hafijuddin Ali, Ajiman Nesa and Fajila Begum u/s 294/448/325/34 IPC and after completion of investigation submitted charge-sheet against all three accused persons u/s 294/448/323/34 IPC.
3. Particulars of offence u/s 294/448/323/34 IPC was 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) witness and the defence examined none.
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 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 persons had in furtherance of common intention uttered obscene words in the public to the annoyance of the informant?
2. Whether the accused persons had in furtherance of common intention committed house trespass?
3. Whether the informant sustained hurt?
4. Whether the accused persons had in furtherance of common intention voluntarily caused hurt to the informant?

8. DISCUSSION, REASONS AND DECISION:**9. POINT NO. 1, 2, 3 & 4:**

10. The prosecution has examined the informant as PW1. The PW1 has not said anything against the accused persons.
 11. Under such circumstance, I find that the evidence is not sufficient. Hence, I find 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** the accused persons had in furtherance of common intention committed house trespass **AND** the informant sustained hurt **AND** the accused persons had in furtherance of common intention voluntarily caused hurt to the informant. So, the accused persons cannot be held guilty u/s. 294/448/323/34 IPC.
 12. From the above discussions, I am of the considered opinion that the prosecution has failed to prove the guilt of the accused
- Typed by me...* *Contd...*

persons beyond reasonable doubt u/s 294/448/323/34 IPC. So, I acquit the accused persons viz. Hafijuddin Ali, Ajiman Nesa and Fajila Begum of the charges u/s 294/448/323/34 IPC and are set at liberty.

13. Given under my hand and seal of this Court this 11th day May, 2022.

Typed by me—

**D. Boro
CJM, Baksa**

**D. Boro
CJM, Baksa**