

**IN THE COURT OF  
THE CHIEF JUDICIAL MAGISTRATE::BAKSA  
Case No. : PRC 621/20  
Under Section 143/341/323/506 IPC**

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

**The State of Assam.....Prosecution.**

**-Vs-**

**Najrul Islam  
Aminul Islam  
Samsul Hoque  
Nurjahan  
Mohar Ali .....**

**Accused Persons.**

Evidence recorded on :- 27-12-2021, 18-02-2022

Argument heard on :- 11-05-2022

Judgment delivered on :- 11-05-2022

**Advocate Appeared :-**

**Mr. Ranjit Basumatary.....APP for the State of Assam.**

**Mr. Musharuf Khan.....Advocate for the accused persons.**

**J U D G M E N T**

1. The case in brief is that on 26/01/2018 at about 9.00 am the accused persons had wrongfully restrained informant Sirina Akhtara and had beaten her by taking her to their house. Due

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to coming of the villagers hearing her cries, she was saved. Later on, the accused persons tried to attack Ohed Ali, paternal uncle of the informant by dashing by car, while he was returning home from market. When Ohed Ali ran away, the accused persons chased him with arms.

2. The police registered a case against five nos. of accused persons u/s 143/144/341/325/506 IPC and after completion of investigation submitted charge- sheet against all the accused persons viz. Najrul Islam, Aminul Islam, Samsul Haque, Nurjahan and Mohar Ali u/s 143/341/323/506 IPC.
3. Particulars of offence u/s 143/341/323/506 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 3 (three) Nos. of witnesses and 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 were member of an unlawful assembly?

- 2) Whether the accused persons had wrongfully restrained the informant?
- 3) Whether informant Sirina Akhtara had sustained hurt?
- 4) Whether the accused persons had voluntarily caused simple hurt to Sirina Akhtara?
- 5) Whether the accused persons had criminally intimidated the informant?

**8. DISCUSSION, REASONS AND DECISION:**

**9. POINT NO. 1, 2, 3, 4 & 5:**

10. The prosecution has examined the informant as PW1 and Ohed Ali as PW2 and another witness as PW3. The informant/PW1 has simply said that due to verbal altercation, she filed the case. No incident as alleged in the FIR had taken place. No any incident took place with her paternal uncle Ohed Ali.

11. PW2 Wahed Ali Ahmed, another alleged victim said that accused Samsul tried to run over him by four wheeler vehicle and he saved himself by hiding behind betel-nut tree. As accused Samsul could not succeed, he chased PW2 with a stick and verbally abused with slang words. PW2 admitted in his cross that he had not said before the IO that accused Samsul tried to run over him by four wheeler vehicle and he saved himself by hiding behind betel-nut tree. He also admitted that he had not said before the IO that as accused Samsul could not

succeed, he chased PW2 with a stick and verbally abused with slang words.

12. The admission of PW2 shows that his evidence is an improvement. Otherwise, the PW2 would have definitely said before the IO that accused Samsul tried to run over him by vehicle and on failure chased him with stick. So, evidence of PW2 is doubtful.
13. PW3 Hanufa Khatun said that Sultana Parbin, sister of the informant married accused Samsul out of love affairs. Both sisters had altercation. No incident took place with Ohed Ali.
14. The prosecution evidence is silent about forming of any unlawful assembly or wrongful restrain of the informant or voluntarily causing hurt to anybody or any kind of criminal intimidation to anybody.
15. Under such circumstance, I find that the evidence is not sufficient. Hence, I find that it is not proved that the accused persons were member of an unlawful assembly **AND** the accused persons had wrongfully restrained the informant **AND** informant Sirina Akhtara had sustained hurt **AND** the accused persons had voluntarily caused simple hurt to Sirina Akhtara **AND** the accused persons had criminally intimidated the informant. So, the accused persons cannot be held guilty u/s. 143/341/323/506 IPC.

16. 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 143/341/323/506 IPC. So, I acquit the accused persons viz. Najrul Islam, Aminul Islam, Samsul Haque, Nurjahan and Mohar Ali of the charges u/s 143/341/323/506 IPC and are set at liberty.
17. Given under my hand and seal of this Court this 11<sup>th</sup> day of May, 2022.

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**D. Boro**  
**CJM, Baksa**

**D. Boro**  
**CJM, Baksa**