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Case No.: PRC 921/21

Page No. 1 of 4

IN THE COURT OF THE
CHIEF JUDICIAL MAGISTRATE : BAKSA.

Case No.: PRC 921/21

Under Section 342/294/506/34 IPC

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

The State of Assam.....Prosecution.

-Vs-

Rahijuddin

Aftab Hussain..... Accused Persons.

Evidence recorded on :- 10-05-2022.

Argument heard on :- 10-05-2022.

Judgment delivered on :- 10-05-2022.

Advocates Appeared :-

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

Mr. **Fazlul Haque**.....Advocate for the accused persons.

J U D G M E N T

1. The gist of the case is that total 14 persons from the family of the informant, his friend Anowar and his nephew Sobahan Ali went to work as labourer under contractor accused Rahijuddin and they worked for 1 & ½ year. The accused persons told to give the wages after calculation at home.

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Case No.: PRC 921/21

Page No. 2 of 4

When the informant, his friend Anowar and his nephew Sobahan Ali went to the house of the accused to get the wages, they were assaulted and threatened to kill in case of next visit for the wages.

2. The police registered a case against the accused persons u/s 120(B)/323/420/427/506/34 IPC and after completion of investigation submitted charge-sheet against the accused persons u/s 342/294/506/34 IPC.
3. Particulars of offence u/s 342/294/506/34 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 3 (three) Nos. of witnesses and defence examined none.
5. The accused persons are examined u/s 313 Cr.P.C. The accused 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 wrongfully confined the informant, his friend Anowar and his nephew Sobahan Ali?

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2. Whether the accused persons had in furtherance of common intention uttered obscene words in the public to the annoyance of the informant?
3. Whether the accused persons had in furtherance of common intention criminally intimidated the informant?

8. DISCUSSION, REASONS AND DECISION:

9. POINT NO. 1, 2 & 3:

10. The prosecution has examined the informant and two other witnesses. None of the PWs said anything against the accused persons. There is no evidence that the accused persons had confined anybody or had uttered any obscene words or had criminally intimidated anybody.
11. Under such circumstance, I find that it is not proved that the accused persons had in furtherance of common intention wrongfully confined the informant, his friend Anowar and his nephew Sobahan Ali **AND** 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 criminally intimidated the informant. So, the accused persons cannot be held guilty u/s. 342/294/506/34 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 342/294/506/34 IPC. So, I acquit the accused persons viz.

Contd...

Case No.: PRC 921/21

Page No. 4 of 4

Rahijuddin and Aftab Hussain of the charge u/s 342/294/506/34 IPC and are set at liberty.

13. Given under my hand and seal of this Court this 10th day of May, 2022.

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D. Boro
CJM, Baksa

D. Boro
CJM, Baksa

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