

APPENDIX

IN THE COURT OF CHIEF JUDICIAL MAGISTRATE, BAKSA, MUSHALPUR Present : Smti. Dimple Boro, CJM. Date of Judgment: 29-11-2022 Case No. : PRC-921/19 Barama PS Case No. : 69/18 U/s : 354(A) IPC	
Complainant	State of Assam
Represented by	Mr. Ranjit Basumatary , APP.
Accused	1. Saifuddin Ali, S/o: Lt. Fiddus Ali, Vill: Saokuchi, PS: Barama, Dist.: Baksa. (A-1)
Represented by	Adv. Ajanta Rabha
Date of Offence	07-06-2018
Date of FIR	09-06-2018
Date of Charge Sheet	19-06-2018
Date of Framing of Charge	02-06-2022
Date of commencement of evidence	28-07-2022
Date on which judgment is reserved	NA
Date of Judgment	29-11-2022
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	Saifuddin Ali	NA	02-05-2022	U/s 354 (A) 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	Adit Ch. Das	Informant
PW2	Rintumoni Sarania	Victim
PW3	Bina Das	Police witness

B. Defence Witnesses, if any : NIL

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
-------------	-------------	---

C. Court Witnesses, if any : NIL

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
-------------	-------------	---

LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS

A. Prosecution: NIL

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

B. Defence: NIL

Sr. No.	Exhibit Number	Description
----------------	-----------------------	--------------------

C. Court Exhibits: NIL

Sr. No.	Exhibit Number	Description
----------------	-----------------------	--------------------

D. Material Objects: NIL

Sr. No.	Exhibit Number	Description
----------------	-----------------------	--------------------

J U D G M E N T

1. The prosecution story in brief is that on 08-06-2018 informant Adit Ch. Das had lodged an FIR before OC, Barama PS to the effect that the accused has been mentally torturing his daughter Rintumoni Sarania by showing indecent gestures and indecent words by coming to the front of his house since last one year. The accused even gave indecent proposal to Rintumoni Sarania. On 07-06-2018 at about 11.00 am while his daughter was getting ready to take bath, the accused showed bad gestures to her from a tree in front of his house. Thereafter when his daughter wanted to go out to call other people, the accused came to the front of his house. Having no way out, his daughter remained inside the house and recorded the indecent gestures of the accused in the mobile. The informant placed the matter before the villagers and called for bichar, but the accused did not come to bichar.
2. The police registered a case against the accused person u/s 354(A) IPC and after completion of investigation submitted charge-sheet against the accused u/s 354(A) IPC.
3. Charge was framed against the accused u/s 354(A) IPC and contents of the charge under the said section was read over and explained to the accused person to which the accused person pleaded not guilty and claimed to be tried.
4. The prosecution examined 3 (three) nos. of witnesses and defence examined none.

5. The accused person is 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 person had sexually harassed Rintumoni Sarania by making indecent gesture and giving indecent proposal to her?

8. DISCUSSION, REASONS AND DECISION:

9. POINT NO. 1:

10. The prosecution has examined the informant as PW1, the victim as PW2 and another as PW3.

11. None of the PWs have said anything against the accused person. Under such circumstance, the ingredients of section 354(A) IPC are not established.

12. From the above discussions, I find that it is not proved that the accused person had sexually harassed Rintumoni Sarania by making indecent gesture and giving indecent proposal to her. So, the accused person cannot be held guilty u/s. 354(A) IPC.

13. 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 354(A) IPC. So, I acquit accused Saifuddin Ali of the charge u/s 354(A) IPC and is set at liberty.

Contd...

PRC No. : 921/19

Page No. 7 of 7

14. Given under my hand and seal of this Court this 29th day of
November, 2022.

Typed by me—

D. Boro
CJM, Baksa

D. Boro
CJM, Baksa

Typed by me...

Contd...