

IN THE COURT OF JUDICIAL MAGISTRATE FIRST CLASS,
BAKSA

P.R.C. Case No. 388 of 2020

.....
Under Sections 448, 294, 323, 342, 506, 34 of Indian Penal Code

State

Vs.

- 1. Aminul Haque,**
- 2. Dilowar Master,**
- 3. Mainul Haque and**
- 4. Saijuddin**

..... Accused persons

.....
Present: Pragyashree Chetia, AJS.

Judicial Magistrate First Class, Baksa

Evidence recorded on : 07.02.2022

Arguments heard on : 03.03.2022

Judgment delivered on : 03.03.2022

Appearing for the prosecution: Sri Kishor Basnet

Appearing for the defense : Smt. Ritamoni Das

JUDGMENT

1. The case of the prosecution in brief is that on 01.05.2017, the informant Md. Jonap Ali lodged a FIR in Salbari Police Station wherein he alleged that on 29.04.2017, the accused persons Aminul Haque, Dilowar Master, Mainul Haque and Saijuddin criminally trespassed into his house and forcefully took his mother and sister to the house of Raham Ali. They tied their hands with rope and confined them in the house. They hit them with bamboo sticks and kicked his mother. They also demanded Rs. 20000/- in order to release them and threatened to kill them. Hence, the case.

2. On the basis of the FIR, a case was registered as Salbari P.S. Case Number- 21/17 under Sections 294, 341, 342, 325, 379, 511, 506, 387 IPC. ASI Pradip Rajbongshi was entrusted with the investigation of the case and after the completion of the investigation charge sheet along with the case diary, a sketch map, one medical report and one bail bond was submitted by him against the accused persons under Sections 448, 294, 323, 342 and 506 IPC.

3. The accused persons appeared before this court and copy of relevant documents was furnished to them in accordance with Section 207 Cr.P.C. Upon consideration of relevant documents and hearing both parties and particulars of

offences u/S 448, 294, 323, 342 and 506 IPC were read over and explained to them to which they pleaded not guilty and claimed to be tried.

4. During trial, the prosecution examined 2(two) witnesses after which the prosecution evidence was closed. The recording of statement of the accused persons u/S 313 Cr.P.C was dispensed with due to the lack of incriminating materials against them. Defence did not adduce any evidence.
5. Heard the arguments advanced by learned Assistant Public Prosecutor and learned defence counsel and perused the evidence on record.

POINTS FOR DETERMINATION

6. Whether accused persons Aminul Haque, Dilowar Master, Mainul Haque and Saijuddin, on 29.04.2017 at about 10:30 A.M. criminally trespassed into the house of the informant and thereby, committed an offence punishable under Section 448 IPC?

7. Whether accused persons, on the same date and time, uttered obscene words to the annoyance of the informant in any public place and thereby, committed an offence punishable under Section 294 IPC?
8. Whether accused persons, on the same date and time, voluntarily caused hurt to the victims and thereby, committed an offence punishable under Section 323 IPC?
9. Whether accused persons, on the same date and time, wrongfully confined the victims and thereby, committed an offence punishable under Section 342 IPC?
10. Whether accused persons, on the same date and time, criminally intimidated the victims and threatened to kill them and thereby, committed an offence punishable under Section 506 IPC?

DISCUSSION DECISION AND REASONS THEREOF

11. I have carefully perused the evidence on record. From the perusal, it is seen that both the witnesses have stated that there was some misunderstanding between them and the

accused person. They have resolved their dispute amongst them and have cordial relations with the accused persons. P.W.2 who is the mother of another victim has stated that she eloped with somebody and her whereabouts is not known to them and that she did not sustain any injury that day as alleged. Therefore, it is found that the testimony of the witnesses does not reveal any incriminating material against the accused persons.

12. From the perusal of the testimony, it is seen that the witnesses have not implicated the accused persons for the incident. They did not support their own case. Thus, upon consideration of the evidence on record, the accused persons Aminul Haque, Dilowar Master, Mainul Haque and Saijuddin is hereby not found guilty of offences charged with.

ORDER

13. In view of the above discussion, it is held the prosecution has failed to prove the allegation against the accused person Aminul Haque, Dilowar Master, Mainul Haque and Saijuddin under Sections 448, 294, 323, 342 and 506 IPC beyond all reasonable doubt. As such, the accused persons are acquitted of the offences punishable under the above-mentioned Sections and are set at liberty forthwith.

14. Their bail bonds are extended for a period of six months as per Section 437A Cr.P.C.

15. The judgment delivered and pronounced by me today in the open court given under my hand and seal of this Court on this 03rd day of March, 2022.

The entire judgment is typed by me.

Pragyashree Chetia
JMFC, Baksa, Mushalpur

APPENDIX

PROSECUTION WITNESSES:

1. P.W.1: Md. Jonap Ali
2. P.W.2: Rahima Khatun@ Begum

DEFENCE WITNESSES:

None

PROSECUTION EXHIBITS:

1. Exhibit 1: FIR
2. Exhibit 1(1): Signature of P.W.1

DEFENCE EXHIBITS:

None

MATERIAL EXHIBITS:

None

Pragyashree Chetia
JMFC, Baksa, Mushalpur