



**IN THE COURT OF THE CHIEF JUDICIAL MAGISTRATE**

**BAKSA: MUSHALPUR**

PRESENT: *A.M.Md. Mahiuddin. M.Sc.;LL.B.*  
*Chief Judicial Magistrate,*  
*Baksa, Mushalpur.*

**G.R.case no. 947/2018**  
**u/s.447/323/34, I.P.C.**

**State**

**Vs**

**1. Siddique Ali**

**2. Sayed Ali**

**3. Aklima Khatun**

**... Accused persons.**

Date of offence explanation : 19-06-2017  
Date of recording evidence : 12-12-2018  
Date of hearing argument : 12-12-2018  
Date of delivery of the judgment : 12-12-2018

**APPEARANCE :**

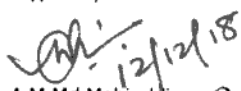
*Sri. Dipmoni Boro. (Addl.P.P.-For the State).*

*Sri. Dipen Talukdar. (Advocate - For the Accused).*

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

1. A written complaint was lodged by Nurjahan Khatun before the learned Chief Judicial Magistrate, Barpeta on 08-07-2015 alleging that, on 30-06-2015, when the informant was taking a nap, the accused persons entered her room and caught hold of her neck. At that time, the husband of the informant was not present at his home. As the informant raised hue and cry, her husband rushed to his home and witnessed that the accused persons were about to hit the informant on her stomach who happened to be four months pregnant.

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A.M.Md.Mahiuddin Chief Judicial Magistrate  
Chief Judicial Magistrate, Baksa, Mushalpur  
Baksa: Mushalpur.



The accused persons also attacked the husband of the informant with bamboo sticks, axe etc. when he tried to rescue her from their attacks. As a result the husband of the informant suffered injuries and later the villagers rescued both of them and sent the husband of the informant to Barpeta Road hospital.

2. The case was then transferred to officer-in-charge of Gobardhana police station with a direction to investigate the case and submit report in final form and accordingly, the case was registered as Gobardhana PS case No-139/15, u/s-325/307/354/313/511/34, IPC. Police started to investigate the case. After completion of investigation, the Police submitted charge sheet No. 94/15 dated 31/08/2015 against accused **Siddique Ali, Sayed Ali and Aklima Khatun u/s-447/323/34 IPC**
3. After receiving the case for disposal, learned predecessor in chair took cognizance against the accused persons, issued summons against them and after their appearance and release on bail, they were supplied with the copies of the case u/s 207, Cr.P.C. As a prima-facie material u/s 447/323/34, I.P.C. was found against the accused persons; the particulars of the offence were explained. On being asked, the accused persons pleaded not guilty and claimed to stand trial. The plea of the accused was total denial.

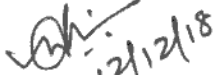
**POINTS FOR DETERMINATION**

1. ***Whether the accused persons, in furtherance of their common intention, made criminal trespass into the property of the informant, as alleged in the FIR?***
  2. ***Whether the accused persons, in furtherance of their common intention, voluntarily caused hurt to the informant/victim by assaulting her, as alleged?***
4. During the trial, the prosecution has examined the informant and victim and on the basis of their evidence, the prosecution closed its further evidence. Considering the nature of evidence on record, the examination of the accused persons u/s-313, Cr.P.C. is dispensed with. The accused declined to adduce evidence. Accordingly, arguments from both sides are heard.

**DISCUSSION, DECISION AND THE REASONS THERE OF**

5. After going through the evidence on record of the informant / **PW-1 Nurjahan**, I find that, the case was lodged due to some misunderstanding between the parties. The witness specifically deposed that, the contentions in the FIR are not her contentions and as she was angry and instigated by others, she lodged a case against the accused persons. She also disposed

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A.M.Md.Mahiuddin  
Chief Judicial Magistrate,  
Baksa, Mushaipur

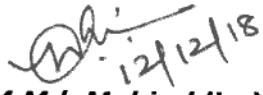
Chief Judicial Magistrate  
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that the accused persons never trespassed into her house and that they never physically or verbally abused her or her husband. **PW-2 Based Ali** on ~~12-12-2018~~ deposed before the Court that the case was lodged by his wife. He specifically deposed that the accused persons never trespassed into his house and they never abused either him or his wife physically or verbally. He further stated that he has no objection if the accused persons are acquitted.

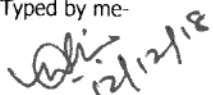
6. Accordingly, I find that, there is no incriminating material against the accused **Siddique Ali, Sayed Ali and Aklima Khatun** for warranting a conviction against them. Accordingly, I conclude that, the prosecution has miserably failed to substantiate its case and as such, the accused **Siddique Ali, Sayed Ali and Aklima Khatun** are found not guilty and hence acquitted of the offence u/s 447/323/34 IPC.
7. The accused are set at liberty forthwith. The bail bonds will remain in force for next 6(six) months or till furnishing of fresh surety by the accused persons u/s 437(A), CrPC, whichever is earlier.

*This judgment is pronounced in the open Court, which is given under my hand and seal of the Court, on this 12<sup>th</sup> day of December, 2018.*

  
(A.M.Md. Mahiuddin.)  
**Chief Judicial Magistrate,  
Baksa, Mushalpur.**

Chief Judicial Magistrate  
Baksa, Mushalpur

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Baksa: Mushalpur.  
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