

**IN THE COURT OF THE CHIEF JUDICIAL MAGISTRATE, LAKHIMPUR,  
NORTH LAKHIMPUR, ASSAM**

Present: Sri Akhtabul Ala, AJS,  
Chief Judicial Magistrate,  
Lakhimpur, North Lakhimpur, Assam

**G.R. 1087/2018**  
U/s 352/294/506 IPC

**State of Assam**

**-Vs-**

**Md. Nasrullah Khan**

.....Accused

Date of offence explanation : 02.09.2019  
Dates of recording evidence of PWs : 29.02.2020, 04.12.2020  
Statement u/s 313, Cr.P.C recorded on : 04.12.2020  
Date of argument : 04.12.2020  
Date of judgment : **04.12.2020**

**Advocates appeared in the case:-**

Mr. Prasanta Dutta, Addl. P.P., for the State

Mrs. Kaberi Dolakashoria, Advocate, for the accused

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

1. The prosecution case, in brief, is that on 09.05.2018 informant Musstt. Rashida Khan lodged an FIR with the Officer-in-charge of North Lakhimpur Police Station alleging inter alia that on 03.05.2018, at about 7:30 PM, her father-in-law Md. Nasrullah Khan had assaulted her and had verbally abused her with filthy language after she tried to intervene in a fight between her son Md. Nawed Khan and her father-in-law. Hence, the case.

2. The Officer-in-charge of North Lakhimpur Police Station, on receipt of the ejahar, registered a case vide NLPS Case No. 487/2018 under section 325/294/506 of the Indian Penal Code and got the investigation into the case commenced. The investigating officer, after

completing the investigation, submitted charge-sheet under section 352/294/506 of the Indian Penal Code against accused Md. Nasrullah Khan to stand trial in the Court.

3. On receipt of the charge-sheet, cognizance of the offence under section 352/294/506 of the Indian Penal Code was taken as per section 190(1)(b) of the Code of Criminal Procedure. The accused person entered his appearance before the Court after receiving the summons. Copies were furnished to the accused person as per provision contained in section 207 of the Code of Criminal Procedure. The particulars of the offence under section 352/294/506 of the Indian Penal Code were explained to the accused person to which he pleaded not guilty and claimed to be tried.

**POINTS FOR DETERMINATION :**

4. The points which are required to be determined for a just decision of this case are as follows:

(a) Whether the accused person had assaulted or used criminal force against the informant Musstt. Rashida Khan ?

(b) Whether the accused person had verbally abused the informant Musstt. Rashida Khan with filthy language in or near any public place causing her annoyance ?

(c) Whether the accused person committed criminal intimidation by threatening the informant Musstt. Rashida Khan ?

5. During the trial the Prosecution side examined two witnesses, viz. Md. Niaz Ahmed Khan as PW-1 and Musstt. Rashida Khan as PW-2. The prosecution had exhibited the ejahar as Ext-1 and the signature of the informant therein as Ext-1(1).

6. After the closure of the prosecution evidence, the accused person was examined under section 313 of the Code of Criminal

Procedure wherein he pleaded his innocence. He declined to adduce any evidence in defence.

7. Both the sides advanced their respective arguments in this case.

**DISCUSSION, DECISION AND REASONS THEREOF:**

8. At the very outset it is essential to have a brief resume of the version of the prosecution witnesses in order to marshal the evidence in right perspective in tandem with the points for discussion.

9. PW-1 Md. Niaz Ahmed Khan has deposed in his evidence that the informant is his ex-wife and on the month of May the informant who was by that time divorced from him was forcibly staying in his house and on the day of incident she had picked up a quarrel with his father asking him to go out of the house and later he could come to know that the informant rather had filed one case against his father.

10. PW-2 Musstt. Rashida Khan, the informant, deposed in her evidence that she had filed this case against her father-in-law Md. Nasrullah Khan as on the day of incident there was a quarrel between her and her father-in-law over a matter of her father-in-law advising her son to not keep good terms with his mother and her family members and over that matter there was a simple verbal altercation between them and this case in fact arose only out of a misunderstanding.

11. PW-2 in her cross-examination stated that she has no objection if the accused is acquitted since this case arose only out of a misunderstanding.

12. So from the evidence of the PWs it appears that all that had happened between the informant and the accused was a mere verbal altercation and nothing else. So it is crystal clear that the accused didn't assault or used criminal force against the informant and had neither verbally abused her with filthy language in public place to cause annoyance to her and neither the accused had criminally

intimidated the informant and as such all the aforesaid points of determination are held in negative.

13. The prosecution has failed to prove the case against the accused under section 352/294/506 of the Indian Penal Code and as such he is acquitted from the said offences and is set at liberty.

Bail bonds are extended to for the further 6(six) months from today.

The judgment is delivered and operative part of the same is pronounced in the open court on this 4<sup>th</sup> day of December, 2020.

**(Shri Akhtabul Ala)**  
Chief Judicial Magistrate,  
Lakhimpur, North Lakhimpur

Dictated & corrected by me-

**(Shri Akhtabul Ala)**  
Chief Judicial Magistrate,  
Lakhimpur, North Lakhimpur

Transcribed & typed by-  
Sri Narayan Chetri, Stenographer

Contd. .... Appendix

**A P P E N D I X**

**WITNESSES FROM THE PROSECUTION SIDE**

Md. Niaz Ahmed Khan (PW-1)

Musstt. Rashida Khan (PW-2)

**PROSECUTION EXHIBIT**

Ejhar (Ext-1)

Signatures of the informant [Ext-1(1)]

**WITNESSES FROM THE DEFENCE SIDE**

Nil

**DEFENCE EXHIBIT**

Nil

**( Shri Akhtabul Ala )**  
Chief Judicial Magistrate,  
Lakhimpur, North Lakhimpur