

**IN THE COURT OF JUDICIAL MAGISTRATE 1ST CLASS,
LAKHIMPUR, NORTH LAKHIMPUR.**

GR CASE NO.3021/2016
U/S 294/341/506/34 IPC.

PRESENT:

SMT. SWEETY BHUYAN
Judicial Magistrate 1st Class
Lakhimpur, North Lakhimpur.

PARTIES:

STATE OF ASSAM

Vs

1. Md. Abu Bakkar Sidik

2. Md. Harun Rasid

3. Md. Abu Kasem

..... **ACCUSED PERSONS**

Appearance:

For the State: MR. JANGKI DOLEY

For the accused persons: MD. MUKSED ALI

Date of Evidence: 20.06.2019, 25.07.2019,
04.01.2020

Date of Argument: 05.03.2020

Date of Judgment: 16.03.2020

JUDGMENT

- 1.** The accused persons, namely, **Md. Abu Bakkar Sidik, Md. Harun Rasid and Md. Abu Kasem**, all are sons of Late Mofizuddin, R/o Village - Gosai Pukhuri, Police Station - Bihpuria, in the District of Lakhimpur, here in this case have been put to trial to answer the charges for the offence Punishable under Section 294/341/506/34 of the Indian Penal Code.
- 2.** The brief facts of the prosecution case is that on 11.11.2016 the accused persons disconnected the electricity connection of the informant and when the informant went to ask them about the matter, they uttered obscene words against him and threatened to kill him. As such, he reported the matter to the General Manager, Bihpuria Electricity Board and, as such, one Md. Saiful Islam was sent for the electricity connection of the informant. As a govt. representative Saiful Islam went to do his duty, the accused persons obstructed him and uttered obscene words against him. That the accused persons illegally and secretly provided the electricity connection to some other persons and obtained profits and as the informant restrained them, they committed such activities against the informant. Hence, the case, and the same was registered as Bihpuria Police Station Case No.880/2016 under Sections 294/506/352/34 of the Indian Penal Code against Md. Abu Bakkar Sidik, Md. Harun Rasid and Md. Abu Kasem named in the ejahar. The

Investigating Officer submitted Charge Sheet against the accused persons, namely, Md. Abu Bakkar Sidik, Md. Harun Rasid and Md. Abu Kasem under Sections 294/506/352/34 of the Indian Penal Code.

3. On perusal of case record prima facie materials against all the accused persons are found under sections 294/341/506/34 of IPC, hence, formal charges are framed under Sections 294/341/506/34 are read over and explained to the accused persons, to which the accused persons pleaded not guilty and claimed to be tried.
4. In support of the case, the prosecution has adduced six PWs. The accused persons have been examined under Section 313 of the Code of Criminal Procedure, in which they denied all the allegations and also denied to adduce evidence in their support.
5. After perusing the case record and hearing both sides the following points for determination are framed:

The Points for Determination:

- (i) Whether the accused persons, on 11.11.2016 (time not mentioned) at Gosai Pukhuri, in furtherance of your common intention, uttered obscene words against the informant and Md. Saiful Islam, in or near any public place to the annoyance of other persons, and thereby committed an offence under section 294/34 IPC?

- (ii) Whether the accused persons, on 11.11.2016 (time not mentioned) at Gosai Pukhuri, in furtherance of your common intention, wrongfully restrained Md. Saiful Islam, and thereby committed offence under section 341/34 IPC?
- (iii) Whether the accused persons, on 11.11.2016 (time not mentioned) at Gosai Pukhuri, in furtherance of your common intention, criminally intimidated the informant with the threat to cause death, and thereby committed the offence under Section 506/34 of the Indian Penal Code?

DECISIONS AND REASONS FOR DECISION:

- 6. I have heard the argument from both sides.
- 7. All the points for determination are decided together for the purpose of convenience.
- 8. The informant alleged that on 11.11.2016 the accused persons disconnected his electricity connection and when he went to connect the same, the accused persons uttered obscene words against him and threatened to kill him and thereafter on the same day when he with the help of Electricity Board brought a person named Saiful Islam to put the connection, the accused persons did not allow Saiful Islam to do his duty and uttered obscene words against him. That the accused persons also threatened the informant to cause his death.

The informant in his evidence as PW1 stated that on

11.11.2016 the accused persons totally cut off of the electricity connection of their house. After that he went to connect his electricity, but the accused persons did not allow him to re-connect the electricity and uttered obscene words against him and threatened to kill him, if he did the same. After that he went to Bongalmara Police Station to lodge a case, but the police advised him to lodge a complaint in the Electricity Board. As such, he went the Electricity Board and informed the matter and they sent Saiful Islam to put the connection. When Saiful went to put the connection, the accused persons did not allow him and he returned.

The PW2, who is the neighbour of the informant and the accused persons, deposed that he does not know anything about the incident.

The PW3 who is also a neighbour of both the parties, deposed that there was an altercation between the informant and the accused persons relating to electricity connection and in his cross-examination, he admitted that he did not see the incident.

The PW4, who is also a neighbour of both the parties, stated that he does not know anything about the incident.

The PW5 Saiful Islam, who is alleged by the informant to be a victim in the instant case and who was obstructed by the accused persons to perform his duty, did not stated about anything against the accused persons and neither he mentioned about any obstruction given to him by the accused persons nor utterance of

any obscene words against him by the accused persons. In fact, in his cross-examination, he admitted that no one obstructed him in repairing electric wire.

- 9.** From the above evidences, it can be seen that the allegations of the informant have not been supported by the other witnesses. In fact, the other victim Saiful Islam did not depose about any offence committed against him by the accused persons. Hence, considering the above, it can be held that the prosecution has miserably failed in proving the guilt of the accused persons beyond all reasonable doubts thereby making them not guilty under Sections 294/341/506/34 of the Indian Penal Code.

(Contd....)

ORDER

As this court finds all the accused persons, namely, **Md. Abu Bakkar Sidik** and **Md. Harun Rasid and Md. Abu Kasem**, not guilty of the offence u/s 294/341/506/34 of IPC, the accused persons are acquitted of the charges u/s 294/341/506/34 of IPC.

The accused persons are set at liberty forthwith.

The bail bonds are extended for 6 (six) months from today.

The judgment is pronounced in the open court.

Given under my hand and seal of this court on 16th of March, 2020.

(SMT. SWEETY BHUYAN)
JUDICIAL MAGISTRATE 1ST CLASS
LAKHIMPUR, NORTH LAKHIMPUR

Dictated & Corrected by me:

(SMT. SWEETY BHUYAN)
JMFC,NORTH LAKHIMPUR

Transcribed & typed by me:

Kumar Gaurav (Stenographer)

APPENDIX

Prosecution witnesses

1. PW1: MD. RUHUL AMIN
2. PW2: MD. ABDUL MALEK
3. PW3: MD. IMAN ALI
4. PW4: MD. YASIN ALI
5. PW5: MD. SAIFUL ISLAM
6. PW6: SRI LAKHESWAR HANDIQUE

Defence witnesses

Nil.

Documents exhibited by the prosecution

1. EXT.1: EJA HAR
2. EXT.2: SKETCH MAP
3. EXT.3: CHARGE SHEET

Documents exhibited by the Defence

Nil.

(SMT. SWEETY BHUYAN)
JUDICIAL MAGISTRATE 1ST CLASS
LAKHIMPUR, NORTH LAKHIMPUR

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