

**IN THE COURT OF THE ADDITIONAL CHIEF JUDICIAL MAGISTRATE  
AT NORTH LAKHIMPUR**

G.R CASE NO: 1597 OF 2017  
PROSECUTOR: STATE OF ASSAM Vs  
ACCUSED: MD. JAHUR ALI  
MUSTT. ASMA BEGUM

DISTRICT: NORTH LAKHIMPUR  
IN THE COURT OF ADDITIONAL CHIEF JUDICIAL  
MAGISTRATE, AT NORTH LAKHIMPUR

GR CASE NO: 1597/ 2017

U/S 294/506 OF I.P.C

PROSECUTOR: STATE OF ASSAM

VERSUS

ACCUSED: MD. JAHUR ALI

PRESENT: MR. F.U. CHOUDHURY, AJS

ADVOCATE FOR THE PROSECUTION: LD. A.P.P SRI R. DUTTA  
ADVOCATE FOR THE ACCUSED: SMTI M. DOLEY

OFFENCE EXPLAINED ON : 21.01.2020  
EVIDENCE RECORDED ON : 31.03.2021

ARGUMENT HEARD ON : 31.03.2021  
JUDGMENT DELIVERED ON : 31.03.2021

**JUDGMENT**

**PROSECUTION'S CASE IN BRIEF**

1. Prosecution's case in brief as it reveals from the FIR is that accused Musstt. Asma Begum is the wife of informant Md. Ainul Haque and the co-accused Md. Jahur Ali is the father in law of informant. About one month prior to the lodging of the F.I.R, accused Musstt. Asma Begum took cash Rupees 30,000/-, bank passbook, voter ID card, golden ornaments from the house of informant and went back to her house. The informant then went to the house of said accused to bring her back, but the said accused on the advice of her father/co-accused

refused to come back with the informant. The accused persons have misappropriated the aforesaid money and also the documents belonging to informant. Thereafter, the informant lodged an FIR about the occurrence before the Officer-in-charge of Bongalmara Police Station Out Post.

2. On receipt of F.I.R, the O/C of Bihpuria P.S registered a case being numbered as Bihpuria P.S Case No. 479/17. After investigation, I.O of the case submitted charge sheet against accused Md Jahur Ali and Musstt Asma Begum for the offences punishable under section 294/506 of I.P.C. Copies of relevant documents were furnished to the accused persons u/s 207 CrPC. Considering the relevant documents and hearing both the parties, particulars of offences under section 294/506of I.P.C are read over and explained to the accused persons to which they pleaded not guilty and stood to face the trial.

3. The prosecution in support of its case examined one witness whereas the accused did not examine any witness in support of his defence. The examination of the accused persons u/s 313 CrPC was dispensed with finding no incriminating materials against them. I have heard the learned counsel for both the parties.

4. Upon hearing and on perusal of record I have framed the following points for determination-

**POINTS FOR DETERMINATION:**

(i) Whether the accused persons about one prior to the lodging of this case, at No.2 Sonapur village under Bihpuria P.S, rebuked the informant by using obscene words in or near any public place to the annoyance of informant or others, and thereby committed an offence punishable u/s 294 of IPC?

(iii) Whether the accused persons about one prior to the lodging of this case, at No.2 Sonapur village under Bihpuria P.S, threatened the informant with injury to his person with the intent to cause alarm, and thereby committed an offence punishable u/s 506 of IPC?

**DISCUSSION OF EVIDENCE, DECISION, AND REASONS THEREOF:**

**POINT NO.1, 2 & 3**

6. For the sake of convenience, and as because point no.1 & 2 are inter-connected, hence they are taken up herein together for discussion & decision.

As regards the aforesaid points for determination, informant Md. Ainul Haque in his evidence-in-chief as PW-1 has stated that in the year 2017, his wife went back to her father's house after having an altercation with him. Thereafter, he lodged an F.I.R against his wife and father in law about the said altercation out of misunderstanding. Exhibit-1 is that FIR in which Exhibit-1(1) is his signature. After lodging of the FIR, the aforesaid dispute between both the parties got settled amicably and his wife came back to his house and presently they are residing together for which he is not interested to proceed with this case. During his cross-examination, PW-1 has stated that he has no objection if the accused are acquitted.

7. At the time of argument, learned counsel for the defence submitted that the prosecution has failed to prove its case as alleged and hence the accused is liable to be acquitted from this case.

8. On going through the evidence deposed by PW-1 as narrated above, it is seen that at the time of occurrence, the informant allegedly had an altercation with the accused. There is nothing in the evidence of PW-1 to show that the accused persons have rebuked the informant by using obscene words, or threatened the informant at the time of alleged occurrence. PW-1 has not specifically stated anything about any such use of obscene words by the accused, or any threat being given by the accused. As such, there is no iota of evidence to show that the accused has committed the offences as alleged in the F.I.R. The witness examined by prosecution has failed to depose any incriminating material against the accused and has failed to prove the case of prosecution as alleged in the FIR.

*DECISION: Point no.1 & 2 are therefore decided in the negative and goes against the prosecution.*

### **ORDER**

5. In view of the discussion made above and the decision reached in the foregoing point for determination, it is held that the witness examined by prosecution has failed to prove that accused Md. Jahur Ali and Musstt. Asma Begum have committed the offences punishable under section 294/506 of I.P.C

as alleged, and as such, the above named accused persons are acquitted of the charges under section 294/506 of I.P.C and they be set at liberty forthwith.

The bail bond of the accused persons shall remain in force for another six months from today.

This judgment is given under my hand, and seal of this court on this the 31<sup>st</sup> day of March, 2020.

The case is disposed of on contest.

F.U. Choudhury  
Additional Chief Judicial Magistrate  
North Lakhimpur

**APPENDIX**

(A) **PROSECUTION EXHIBITS**

Exhibit.1 – F.I.R

(B) **DEFENCE EXHIBITS**

Nil

(C) **PROSECUTION WITNESSES**

P.W. 1 – Md. Ainul Haque.

(D) **DEFENCE WITNESSES**

Nil

F.U. Choudhury  
Additional Chief Judicial Magistrate  
North Lakhimpur