

IN THE COURT OF JUDICIAL MAGISTRATE FIRST CLASS

North Lakhimpur, Lakhimpur

PRESENT: Ms. Sparsita Garg, M.A, LL.M, AJS

Judicial Magistrate First Class,

Lakhimpur, North Lakhimpur

G.R. Case No.1462/2019

State

Versus

Nurjahan Begum and another

(Under sections 447/294/354/506/34 IPC)

Charge framed on	: 03.04.2021
Evidence recorded on	: 03.04.2021
Statements recorded on	: Dispensed with
Arguments heard on	: 03.04.2021
Judgment delivered on	: 03.04.2021
Advocate for the Prosecution	: Mr. Jangki Doley
Advocate for the accused persons	: Mr. Jayanta Hazarika

J U D G E M E N T

1. Accused persons stood for trial for commission of offence u/s 447/294/354/506/34 IPC.

2. The prosecution case is initiated on the basis of written ejahar dated 11.06.2019 stating *inter alia* that after the death of her brother Ramjan Ali, accused Nurjahan Begum left for her

parental house and took away jewelries, mobile phone, clothes and other articles belonging to her from her matrimonial house. The accused Nurjahan Begum along with her brother Md. Rekib Ahmed @ Soru Babu in the year 2019 returned to her matrimonial house for NRC hearing and at about 12:20 p.m., wrongfully entered into the parental house of the informant and uttered obscene words and languages to them. It is stated that the accused persons took away all the articles and when the mother of the informant Ramisa Begum resisted them from doing so, accused Rekib Ahmed @ Soru Babu pushed the mother of the informant Ramisa Begum and assaulted her. The accused persons took away Rs.7, 000 to 8,000/- (Rupees Seven Thousand to Rupees Eight Thousand Only) and threatened the informant and her family members with dire consequences. Hence, this case.

3. On receipt of the ejahar, the Officer-in-Charge of Bihpuria Police Station registered the case as Bihpuria P.S. case no. 309/2019 u/s 447/294/354/323/427/380/506/34 IPC. Thereafter Investigating Officer launched investigation of the case and submitted chargesheet u/s 447/294/354/506/34 of the Indian Penal Code against the accused persons namely Nurjahan Begum and Rekib Ahmed @ Saru Babu.

4. Thereafter, cognizance has been taken and summon have been issued to the accused persons. On appearance of accused persons, necessary documents required u/s 207 Cr.P.C have been furnished to them. On perusal of the materials on record formal charges u/s 447/294/354/506/34 IPC is read over and explained to the accused persons to which they pleaded not guilty and claimed to be tried.

5. Prosecution in support of its case has examined only one (1) witness.

6. Examination of accused persons u/s 313 Cr.P.C. is dispensed with since no incriminating materials are found against them. Accused persons denied adducing evidence in defence.

7. I have heard the arguments advanced by the learned counsel for the accused persons and Ld. A.P.P. Perused the materials available in the case record. Upon hearing both the parties and on perusal of the record, following points for determination are formulated for proper adjudication of this case.

POINTS FOR DETERMINATION:

Point No 1: Whether the accused persons in furtherance of common intention in the year 2019 at about 12:20 p.m., committed criminal trespass by entering into the parental house of the informant Musstt. Rabia Begum with an intent to commit an offence and thereby committed an offence punishable u/s 447/34 of the IPC?

Point No 2: Whether the accused persons in furtherance of common intention on the same date, time and place uttered obscene words and languages in a public place causing annoyance to others and thereby committed an offence punishable under Section 294/34 of IPC?

Point No 3: Whether the accused persons in furtherance of common intention on the same date, time and place assaulted the informant and her family members with the intent of outraging their modesty and thereby committed an offence punishable under Section 354/34 of IPC?

Point No 4: Whether the accused persons in furtherance of common intention on the same date, time and place committed criminal intimidation by threatening the informant and her family members with an intent to cause alarm and thereby committed an offence punishable under Section 506/34 of IPC?

DISCUSSIONS, DECISIONS AND REASONS THEREOF:

8. Now let me try to decide the above points by appreciating the evidence available in the case record. I have carefully considered the evidence available in the instant case. From the evidence of **P.W-1/informant Musstt. Rabia Begum**, it reveals that the informant is no more interested to proceed with the case against the accused persons on the ground that the matter is amicably settled between them. It also reveals that the informant herself has refused to lead evidence against the accused persons in support of the ejahar lodged in this case by him. Thus, from the little evidence that has been brought before this court in the form of statement made by the informant/P.W-1, it is seen that no offence has been made out against the accused persons under any section of law. Situated thus, it is found that the informant has failed to implicate the accused persons of any offence.

ORDER

9. In view of the above discussions, I am of the considered opinion that, prosecution has failed to establish the case against accused persons namely Nurjahan Begum and Rekib Ahmed @ Saru Babu. Accordingly, accused persons are acquitted of the charge u/s 447/294/354/506/34 IPC levelled against them in this instant case.

10. Set the accused persons at liberty forthwith.

11. The bail bonds for the accused persons are extended for a further period of six (6) months.

12. The case is disposed of on contest accordingly.

Given under my hand and seal on this 03rd day of April, 2021 at North Lakhimpur, Lakhimpur.

(Ms. Sparsita Garg)
Judicial Magistrate First Class
Lakhimpur, North Lakhimpur

APPENDIX

A. WITNESS OF PROSECUTION:

1. P.W-1: Musstt. Rabia Begum

B. EXHIBITS OF PROSECUTION:

1. Exhibit 1: Ejahar
2. Exhibit 1(1): Signature of the informant

C. WITNESS OF DEFENCE: NIL

D. EXHIBITS OF DEFENCE: NIL

(Ms. Sparsita Garg)
Judicial Magistrate First Class
Lakhimpur, North Lakhimpur