

**IN THE COURT OF JUDICIAL MAGISTRATE 1<sup>ST</sup> CLASS,  
LAKHIMPUR, NORTH LAKHIMPUR.**

**PRESENT: SMT. SWEETY BHUYAN**  
Judicial Magistrate 1<sup>st</sup> Class  
Lakhimpur, North Lakhimpur.

**GR CASE NO.2830/2017**  
**U/S 341/323/294/506 IPC.**

**PARTIES:**  
State of Assam  
Vs  
Anarul Islam ..... Accused

**Appearance:**

For the State .....: MR. JANGKI DOLEY

For the accused person .....: MRIDUSMITA BORAH SAIKIA

Date of Evidences .....: 26.03.2019

Date of Argument .....: 26.03.2019

Date of Judgment .....: 09.04.2019

**JUDGMENT**

1. Accused Anarul Islam, S/o Md. Abdul Kalam, resident of village - Nadika, under Laluk Police Station in the District of Lakhimpur here in this case has been put to trial to answer the charges for the offence Punishable under sections 341/323/294/506 of the Indian

Penal Code.

2. The brief facts of the Prosecution case is that on 23.09.2017 in the morning while the informant was bringing her children from the school, the accused wrongfully restrained her on the road without any reason and by catching her hairs assaulted her. Then Rujena Begum instigated the accused and told him to bring her to their house by dragging her. The accused used obscene words against her and threatened to kill her. Hence, the case and the same was registered as Laluk Police Station Case No.297/2017 under Sections 341/323/354B/294/506/34 of IPC against Md. Anarul Islam and Rujena Begum named in the ejahar. The I.O submitted Charge Sheet against the accused Md. Anarul Islam under Sections 341/323/354/294/506 of IPC. The accused person took bail from the court and copy has been furnished to the accused u/s 207 CrPC.
3. After perusing CR and hearing the charges u/s 341/323/294/506 IPC are framed which on being read over and explained to the accused person he pleaded not guilty and claimed to be tried.
4. In support of the case, the prosecution has adduced 2(two) PWs including the informant. Defence adduced none. The statement of the accused u/s 313 CrPC is dispensed with due to lack of incriminating materials.
5. After perusing the case record and hearing both sides the following points of determination are framed:

**The Points for Determination:**

- (i) Whether the accused, on 23.09.2017 in the morning on the road, while the informant was bringing her children from school as it was raining, wrongfully restrained her, and thereby committed offence under section 341 IPC?
- (ii) Whether the accused, on 23.09.2017 in the morning on the road, while the informant was bringing her children from school as it was raining, voluntarily caused hurt to the informant, and thereby committed offence under section 323 IPC?
- (iii) Whether the accused, on 23.09.2017 in the morning on the road, while the informant was bringing her children from school as it was raining, uttered obscene words against the informant in or near any public place to the annoyance of other persons, and thereby committed offence under section 294 IPC?
- (iv) Whether the accused, on 23.09.2017 in the morning on the road, while the informant was bringing her children from school as it was raining, criminally intimidated the informant with the threat to cause death, and thereby committed offence under Section 506 IPC?

**Decisions and Reasons for decision:**

**6.** I have heard the argument from both sides.

**7.** The informant stated in her ejahar that on 23.09.2017 in the

morning while the informant was bringing her children from the school, the accused wrongfully restrained her on the road without any reason and by catching her hairs assaulted her. Then Rujena Begum instigated the accused and told him to bring her to their house by dragging her. The accused used obscene words against her and threatened to kill her.

The informant stated in her evidence as PW1 that on the day of the incident, there was a quarrel between her and the accused and out of anger, she lodged this case against the accused. They are relatives and staying peacefully with each other.

In cross-examination, the PW1 stated that she has no grievances against the accused person and if he is acquitted she has no objection.

The PW2 stated in his evidence that at the time of incident, he was inside the bathroom and heard some noise and after that he came out but saw no one. His cross-examination was declined by the defence.

- 8.** I have gone through the evidences. From the evidence of the PW1/informant, it can be known that there was a quarrel between her and the accused and out of anger, she lodged this case against the accused. And the PW2 stated that on the day of the incident, he was inside the bathroom and heard some noise and after that he came out but saw no one. Hence, none of the PWs have stated

about any offence as alleged by the informant, i.e., PW1. The PW1 herself did not state about any offence committed by the accused. Hence, the prosecution witness could not establish the charges levelled against the accused as the informant herself did not bring any allegation against the accused in her evidence before the court. As such, the accused person is hereby not found guilty of the offences u/s 341/323/294/506 IPC.

9. Hence summing up all that has been discussed above the prosecution has failed to prove the guilt of the accused u/s 341/323/294/506 IPC beyond reasonable doubt.

**(CONTD.....)**

**ORDER**

As this court finds the accused person Anarul Islam not guilty of the offence u/s 341/323/294/506 IPC, the accused person Anarul Islam is acquitted of the charges u/s 341/323/294/506 IPC.

The accused person is set at liberty forthwith.

The bail bond is 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 9<sup>th</sup> day of April, 2019.**

(Smt. Sweety Bhuyan)  
JUDICIAL MAGISTRATE 1<sup>ST</sup> 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: SARIFA KHATOON
2. PW2: KHAIRUL HABIB WARESH

**Defence witnesses**

Nil.

**Documents exhibited by the prosecution**

1. Ext.1: Ejahar

**Documents exhibited by the Defence**

Nil.

**(Smt. Sweety Bhuyan)**  
JUDICIAL MAGISTRATE 1<sup>ST</sup> CLASS  
Lakhimpur, North Lakhimpur

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JMFC, NORTH LAKHIMPUR

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