

**DISTRICT: NAGOAN  
IN THE COURT OF JUDICIAL MAGISTRATE FIRST CLASS, HOJAI**

**GR CASE NO: 2602/14  
U/S 147/341/352/506 IPC**

**PROSECUTOR: STATE OF ASSAM  
VERSUS  
ACCUSED: ABDUL MUSSABIR & ORS.**

**PRESENT: BISWADEEP BARUAH, JMFC, HOJAI**

**ASSISTANT PUBLIC PROSECUTOR: SRI. B. BHATTACHARJEE**

**ADVOCATE FOR THE ACCUSED: SRI. B. BORUAH**

**EVIDENCE RECORDED ON: 12/04/17**

**ARGUMENT HEARD ON: 12/04/2017**

**JUDGMENT DELIVERED ON: 20/04/2017**

### **JUDGMENT**

1. The prosecution in this case was launched by the lodging of the ejahar with the Officer in Charge of the Murajhar Police Station by the informant Md. Sarifuddin on 25/12/14 to the effect that on the instant date at about 5.30 p.m., the accused persons namely Abdul Mussabir, Siraj Uddin, Harish Uddin, Sarif Uddin, Zahir Uddin, Rafique Uddin, Jamal Uddin, Alim Uddin and Alim Uddin criminally restrained Ahmed Hussain and forced him to go to their house and assaulted him causing grievously.
2. The police upon receipt of the ejahar registered Murajhar Police Station case no. 424/2014 u/s 147/148/325/506 of IPC and started investigation in the case. After completion of the investigation the police submitted chargesheet against the accused, Abdul Mussabir, Siraj Uddin, Harish Uddin, Sarif Uddin, Zahir Uddin, Rafique Uddin, Alim Uddin and Alim Uddin under sec 147/341/352/506 of IPC.

3. The accused were called upon to enter trial and copies of all the relevant documents were furnished to them. Upon hearing and on perusal of record, particulars of offence under sec 147/341/352/506 of IPC was explained to the accused to which they pleaded not guilty and claimed to be tried.
4. The prosecution in support of its case examined one witness who is the informant; whereas the defense did not adduce any evidence.
5. The statement of defense of the accused u/s 313 Cr.P.C. was discarded with since the accused was not incriminated by the Prosecution Witness.
6. I have heard both the parties. I have heard the learned counsel for the accused persons who submitted that there is no material against the accused; as such the accused needs to be acquitted.
7. Upon hearing and on perusal of record I have formulated the following point for determination-
  - (1) Whether the accused persons had committed offence punishable under sec 147/341/352/506 of IPC?
8. Now let me discuss the materials on record and try to arrive at a definite finding as regards the points for determination.

**DISCUSSION, DECISION AND REASONS FOR THE DECISION:**

**POINT FOR DETERMINATION NOS.:**

9. The prosecution examined one witness who is the informant of the instant case. The defense did not adduce any witnesses.
10. PW1, Sarif Uddin is the informant of the instant case and stated that accused persons were his own relatives and that the incident took place around two years back. He stated that on the date of occurrence there was an altercation between him and the accused persons over an issue relating to his maternal aunt and he filed the case in anger. Exhibit 1 being the ejahar and Exhibit 1(1) being his signature was proved by PW1.
11. In his cross examination, PW1 stated that the matter has been amicably resolved and he did not have any objection to the acquittal of the accused.

12. *DECISION:* In analyzing the depositions of the Prosecution Evidence, it is seen PW1 who is the informant has not implicated the accused in any manner. He has merely stated that there was an argument between him and the accused who are his own relatives over a dispute involving his aunt. Moreover it appears that the matter has been amicably settled and the informant does not want to implicate the accused. PW1 further stated that he does not object to the acquittal of the accused. Hence in light of the evidence of the informant, all the points of determination are answered in negative, in favour of the accused persons.

#### ORDER

1. In view of the discussions made above and the decision reached therein it is held that the prosecution has failed to prove the charge against the accused; the Prosecution witness has not supported the case and incriminated the accused in any manner; as such the accused Abdul Mussabir, Siraj Uddin, Harish Uddin, Sarif Uddin, Zahir Uddin, Rafique Uddin, Alim Uddin and Alim Uddin are held not guilty of the charge under section 147/341/352/506 of IPC and acquitted.
2. The case is disposed of on contest without cost.
3. The bail bonds of the accused stands extended for a period of six months.

Given under my hand and the seal of this court on this the 20th day of April, 2017 at Hojai.

BiswadeepBaruah,  
Judicial Magistrate First Class, Hojai.

**APPENDIX:**

**WITNESS FOR THE PROSECUTION:**

**PW1      Sarif Uddin**

**WITNESS FOR THE DEFENSE: NONE**

**EXHIBITS:**

**EXHIBIT 1    EJA HAR**

**EXHIBIT 1(1) SIGNATURE OF PW1**