

IN THE COURT OF JUDICIAL MAGISTRATE FIRST CLASS,
BONGAIGAON

PRESENT: SYEDA FARIDA AFZAL ZINNAT

G.R CASE NO: 173/2014

STATE OF ASSAM VERSUS ABDUS SATTAR SEIKH AND OTHERS

FOR THE PROSECUTION: MR. R.C.MAHATO, LEARNED ASST. P.P

FOR THE DEFENCE: MR. N.I.SIDDIQUE, LEARNED ADVOCATE

EVIDENCE RECORDED ON: 6/9/2014

ARGUMENTS HEARD ON: 6/9/2014

JUDGMENT DELIVERED ON: 6/9/2014

JUDGMENT

1. On 9/3/2014 Md. Rafikul Islam S/o Md. Maha Ali of Bilashpur P.S Dhaligaon lodged a written report with Dhaligaon P.S. alleging that on the same day at about 1 pm when he went to enquire about a meeting which was held at South Bilashpur L.P School the following persons namely Abdus Sattar, Samsuddin, Abdus Sattar Seikh, Azimuddin Seikh and Tayab Ali Ahmed wrongfully restrained him, assaulted him, snatched Rs. 1500/- from his pocket and threatened him with abusive words. The FIR was received and registered as Bongaigaon P.S Case No. 36/2014 U/s 447/323/506/34 IPC and was investigated upon. During investigation a prima facie case was found to be well established under sections 341/352/506/34 IPC against the accused persons

namely Abdus Sattar Seikh, Samsuddin Ahmed, Tayab Ali Ahmed and Abdus Sattar Seikh.

2. Cognizance was taken U/S 341/352506/34 IPC against the accused persons.
3. Upon appearance copies of the relevant documents were supplied to the accused persons in compliance with section 207 Cr.P.C.
4. After considering the relevant documents produced by the police I found prima facie material under sections 341/352506/34 IPC against the accused persons. Accordingly particulars of the offences were explained to the accused persons to whom they pleaded not guilty and claimed to be tried.
5. Prosecution adduced the evidence of one witness. The examination of the accused under section 313 Cr.P.C was dispensed with after going through the evidence on record.
6. After considering the relevant documents and after hearing the defence and the prosecution I find that following are the points to be determined in this case:
 - 1) Whether the accused persons in furtherance of their common intention on 9/3/2014 at about 1 pm, at South Bilashpur L.P.School wrongfully restrained the accused and thereby committed an offence punishable under section 341 IPC?
 - 2) Whether the accused persons on the same date, time and place, in furtherance of their common intention, assaulted or used criminal force to the informant otherwise than on grave and sudden provocation given to the accused persons and thereby committed an offence u/s 352 I.P.C?
 - 3) Whether the accused persons on the same date, time and place threatened the informant with

injury to her person, reputation or property with intent to cause alarm to that person and thereby committed the offence punishable under section 506 IPC?

7. DISCUSSION ON EVIDENCE, DECISION AND REASONS THEREOF:

8. PW1 Rafikul Islam stated on oath that the accused persons are his co-villagers and there was a debate between him and the accused persons due to some misunderstanding. But the matter has been settled and so he does not want to adduce evidence against the accused persons.
9. There is no allegation against the accused person that they restrained him, assaulted him or threatened him.
10. From the above discussions I am of the opinion that the Prosecution failed to establish the guilt of the accused persons beyond all reasonable doubt and therefore the accused persons should be acquitted of the offences charged with.

Order

The accused Abdus Sattar Seikh, Samsuddin Ahmed, Tayab Ali Ahmed and Abdus Sattar Seikh are hereby acquitted of the offences. Bail bonds are extended to a period of six months. Given under the hand and seal of this court on this the 6th day September 2014.

S F Afzal Zinnat, AJS

J.M (1st CLASS)

BONGAIGAON

APPENDIX:

List of Witness:

PW1: Rafikul Islam

List of Exhibits:

Exhibit 1: F.I.R

Exhibit 1(1): Signature of PW1.