

IN THE COURT OF SUB-DIVISIONAL JUDICIAL MAGISTRATE,
BONGAIGAON

PRESENT: S. HANDIQUE, AJS

G.R. 586/14
(u/s 447/448/323/34 IPC)

State

V.

- 1. Jobbar Ali Khan**
- 2. Dilbar Ali Khan**
- 3. Ekabar Ali Khan**
- 4. Majibar Khan**
- 5. Sattar Ali Khan**

For prosecution: Mr. S. Nath

For defence: Mr. N.I. Siddique

Evidence recorded on 21-10-14

Arguments heard on 21-10-14

Judgment delivered on 21-10-14

JUDGMENT

1. The prosecution story is that Msstt. Saleha Begum, W/O Nur Islam, R/O Mouzabari under Sidli P.S. lodged an FIR on 9/4/14 alleging that on 6-9-14 at around 7.30 P.M., the accused trespassed into her house armed with sharp weapons by breaking open her gate and the door and assaulted her, her son and daughter-in-law. She further alleged that the accused snatched away the gold chain of her daughter-in-law. The FIR was registered as Sidli P.S. Case no. 45/14 and after investigation the police filed charge sheet against the accused u/s 447/448/323/34 IPC. The Id. CJM, Bongaigaon took cognizance u/s 447/448/323/34 IPC

- and transferred the case to this court. After receiving the case record, the accused were summoned.
2. Accused appeared and took bail. They were served with necessary copies and after perusal of the materials on record, particulars of offence u/s 447/448/323/34 IPC were explained to the accused, to which they pleaded not guilty and claimed trial.
 3. In due course of trial the complainant (victim) was examined. As the complainant did not implicate the accused, the prosecution evidence was closed after examining her and recording of statement of the accused u/s 313 Cr. PC was dispensed with. The accused did not adduce any defence evidence. Heard arguments from both the sides.
 4. The following points for determination were framed in this case.

POINTS FOR DETERMINATION:

1. *Whether the accused on 6-9/14 at 7.30 P.M. in furtherance of their common intention trespassed into the compound of the complainant and thereby committed an offence punishable u/s 447/34 IPC?*
2. *Whether the accused on 6-9/14 at 7.30 P.M. in furtherance of their common intention trespassed into the house of the complainant and thereby committed an offence punishable u/s 448/34 IPC?*
3. *Whether the accused on 6-9/14 at 7.30 P.M. in furtherance of their common intention voluntarily caused hurt to the complainant, her son and daughter-in-law and thereby committed an offence punishable u/s 323/34 IPC?*

DISCUSSIONS, DECISIONS AND REASONS THEREOF:

4. All the points are taken up together for convenience of discussion. ***PW1 Saleha Begum (Complainant)*** deposed that the accused quarrelled with her and she and her family members got injured during that quarrel. She also stated that they have settled the matter with the accused. He testified that the case was filed due to misunderstanding.

5. From the above evidence, it transpires that the prosecution has failed to bring home the charge against the accused. All the points are decided in the negative.

ORDER

6. In view of the above, I hold the accused not guilty u/s 447/448/323/34 IPC and they are acquitted. Judgment is delivered in the open court today. Accused are set at liberty forthwith and their bail bonds stand cancelled. The case is disposed of. Given under my hand and seal of the court on 21-10-14.