

**BEFORE THE JUVENILE JUSTICE BOARD, BONGAIGAION**

**PRESENT: S. HANDIQUE, PRINCIPAL MAGISTRATE, JJB,  
BONGAIGAON**

**MEMBERS:**

**Mr. D. C. Basak  
Mrs. R. Choudhury**

**(JJB Case No. 14/14)  
(u/s 326/379/34 IPC)**

**State**

**v.**

**Afina Begum @ Kazi Atisha**

**For prosecution: Mr. T. Bhowmik, APP**

**For defence: Mr. K. Raza**

**Evidence recorded on: 18-11-14**

**Arguments heard on: 18-11-14**

**Judgment delivered on: 18-11 -14**

**JUDGMENT**

1. The prosecution was set into motion in this case on the basis of an FIR lodged by Johirul Islam Sarkar, s/o Nurul Islam Sarkar, r/o North Bongaigaon under Bongaigaon P.S., on 11-11-12. The informant alleged in the FIR that on 11-11-12 at 11.30 A.M the accused named Safina Begum, Atifa Begum, Kazi Ahmed Kazi Subur Ali attacked his wife armed with dao, knife and cut her ear. He alleged that the accused took away the earring of his wife and caused injury on her face. The FIR was registered as Bongaigaon P.S. Case no. 396/12 and after investigation the charge sheet was filed against Sofina Begum and juvenile Afina Begum @ Atisha Begum u/s 326/379/506/34 IPC.
2. The Id CJM, Bongaigaon took cognizance of the case and summoned the accused. However, Atisha Begum was declared a juvenile and the case was forwarded to the Juvenile Justice Board, Bongaigao.
3. On appearance, the juvenile was released on bail and she was furnished necessary copies. The particulars of offence u/s 326/379/34

- IPC were explained to the juvenile to which she pleaded not guilty and claimed trial.
4. During trial the complainant was examined as PW1. As the complainant did not implicate the juvenile the prosecution evidence was closed after examining him and the statement of the juvenile u/s 313 Cr. PC. was dispensed with. No defence evidence is adduced. Heard arguments from both the sides. The following points for determination have been framed in this case:

#### **POINTS FOR DETERMINATION:**

1. *Whether the juvenile in furtherance of the common intention with the other accused caused grievous hurt to the wife of the complainant by means of a dao on 11-11-12 at about 11.30 AM and thereby committed an offence punishable u/s 326/34 IPC?*
2. *Whether juvenile in furtherance of the common intention with the other accused dishonestly snatched and removed the earring of the complainant's wife out of her possession and thereby committed an offence punishable u/s 379/34 IPC?*

#### **DISCUSSIONS AND DECISIONS AND REASONS THEREOF:**

5. Both the points are taken up together for discussion. **PWI (complainant)** deposed that the juvenile had quarrelled with his wife and the case was filed due to misunderstanding. He testified that no one was injured in that quarrel. As the complainant has not implicated the juvenile the offence u/s 326/379/34 IPC stands disproved.

#### **ORDER**

6. In view of the above discussions I hold the juvenile not guilty u/s 326/379/34 IPC and she is acquitted. She is set at liberty forthwith. Bail bond stands discharged. Given under the hand and seal of the court on 18-11-14.