



IN THE COURT OF THE CHIEF JUDICIAL MAGISTRATE

BAKSA: MUSHALPUR

PRESENT: *A.M.Md. Mahiuddin. M.Sc.;LL.B.*
Chief Judicial Magistrate,
Baksa, Mushalpur.

PRC. case no. 277/2019

u/s. 448/294/506 I.P.C.

State

Vs

Md. Jahanur Ali

... Accused person.

Date of Offence explanation : 11-12-2019
Date of recording evidence : 07-01-2020 and 20-01-2021
Date of hearing argument : 20-01-2021
Date of delivery of the judgment : 20-01-2021

APPEARANCE :

Sri. Kishore Basnet. (Assistant P.P.-For the State).

Sri. Nur Alom. (Advocate - For the Accused person).

J U D G M E N T

1. The prosecution case in brief is that informant Sri Umar Ali Choudhury on 10-11-2018 lodged a written FIR against Md. Jahanur Ali before the officer-in-charge Tamulpur police station alleging that on 09-11-2018 night at about 10.00 pm the accused armed with deadly weapon trespassed into his house,

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verbally abused him, his wife Saiful Khatun and the niece of his wife i.e. Mofida Begum with filthy words and criminally intimidated them.

2. The FIR was registered as Tamulpur PS case No-455/18, u/s-448/294/506/326 IPC and police started to investigate the case. After completion of investigation, the Police submitted charge sheet No. 05/19 dated 31-10-2019 against accused **Md. Jahanur Ali u/s 448/294/506, IPC.**
3. Cognizance against the accused was taken and summons issued to him. The accused appeared and went out on bail. Thereafter, he was supplied with the copies of the relevant documents u/s 207, Cr.P.C. As prima-facie material u/s 448/294/506, I.P.C. was found against the accused person; the substance of accusation was explained to him and on being asked the accused pleaded not guilty.
4. During the trial, the prosecution has examined the informant and two other victims and thereafter closed its evidence. Considering the evidence on record the examination of the accused u/s 313 Cr.P.C. is dispensed with. Accordingly, arguments from both sides are heard.

POINTS FOR DETERMINATION

1. *Whether the accused person trespassed into the house of the informant on 09-11-2018 as alleged?*
2. *Whether the accused person, on or about the same day, verbally abused the informant, his wife Saiful Khatun and the niece of his wife i.e. Mofida Begum with filthy words?*
3. *Whether the accused person, on or about the same day, criminally intimidated the informant, his wife Saiful Khatun and the niece of his wife i.e. Mofida Begum with filthy words?*

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DISCUSSION, DECISION AND THE REASONS THERE OF

5. It may be mentioned here that, for the convenience of decision, both the points are taken together for discussion. After going through the arguments of both the sides and evidence of the informant and the victims on record, it appears that on the day of alleged incident, there was a verbal conflict between the informant, his wife Saiful Khatun and her niece Mofida Begum with the accused regarding some matrimonial issue between the accused and Mofida Begum. As the informant got angry with the accused, he lodged the case against the accused.
6. The informant and the victims during their cross examination admitted that the accused did nothing as alleged in the Ejahar. Moreover they have amicably settled the dispute after lodging of the case.
7. So it is found that prosecution has failed to discharge its bounded duty to prove the guilt of the accused beyond reasonable doubt and as such the benefit should go to the accused. Accordingly extending the benefit of doubt the accused **Md. Jahanur Ali** is found not guilty and hence acquitted of the offence u/s 448/294/506, IPC.
8. The accused is set at liberty forthwith.
9. The bail bond will remain in force for next 6(six) months or till furnishing of fresh surety by the accused u/s 437(A), IPC, whichever is earlier.

This judgment is pronounced in the open Court, which is given under my hand and seal of the Court, on this 20th Day of January, 2021.

A.M.Md. Mahiuddin
(A.M.Md. Mahiuddin.)
Chief Judicial Magistrate,
Baksa, Mushalpur.

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A.M.Md. Mahiuddin
Chief Judicial Magistrate,
Baksa, Mushalpur.