



**IN THE COURT OF THE CHIEF JUDICIAL MAGISTRATE**

**BAKSA: MUSHALPUR**

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

**P.R.C. case no. 648/2019**

**u/s. 448/385 I.P.C.**

**State**

**Vs**

***Jeherul Islam***

**... Accused person.**

Date of framing of charge : 05-03-2020  
Date of recording evidence : 02-01-2021  
Date of hearing argument : 02-01-2021  
Date of delivery of the judgment : 02-01-2021

**APPEARANCE :**

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

*Sri. Gobinda Nath.* (Advocate - For the Accused).

**J U D G M E N T**

1. The prosecution of the accused **Jeherul Islam** started on lodging of a written FIR before the Officer-in-charge of Barama P.S. on 05-12-2018 by informant/victim **Safia Begum** alleging that, on 02-12-2018 around 10.00 am, the accused went to the house of the informant accusing her that she is not regularly attending the classes of Garbhitara Primary School. However,

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the informant denied the allegation. The accused then demanded Rs 20,000/- from the informant and if she fails to pay the sum, he would publish the news in Prag News Channel.

2. The ejahar was registered as Barama PS Case No-126/2018, u/s-448/292(a)/385, IPC and police started to investigate the case. After completion of investigation, the investigating officer submitted charge sheet No.79/18 dated 16-12-2018 against accused **Jeherul Islam u/s 448/292(a)/385, IPC.**
3. After receiving the case for disposal, cognizance against the accused was taken and summons was issued to him and after his appearance, the accused was released on bail. The accused was supplied with the copies of the case u/s 207, Cr.P.C. As prima-facie material u/s 448/385, I.P.C. was found against the accused person, the charge was framed there under and the same was read over to him. On being asked, the accused pleaded not guilty and claimed to stand trial. The plea of the accused was total denial.

**POINTS FOR DETERMINATION**

1. *Whether the accused person, committed an offence of house trespass by entering into the classroom of Garbhitar Fengua Primary School, as alleged by her?*
2. *Whether the accused person, put the informant Sufia Begum under fear of injuring her reputation by publishing false news in the Prag Channel of which he was a reporter in order to extort Rs 20,000/- as alleged by her?*
4. During the trial, the prosecution has examined the informant/victim and on the basis of her evidence, the prosecution closed its further evidence.

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Considering the evidence on record, the examination of the accused u/s 313 Cr.P.C. is dispensed with. The accused declined to adduce evidence. Accordingly, arguments from both sides are heard.

**DISCUSSION, DECISION AND THE REASONS THERE OF**

5. After going through the evidence on record of the informant/victim **Safia Begum** (P.W.-1), it appears that she is the informant. About 2 years ago, there occurred a misunderstanding between the informant and the accused person regarding some school administration issues. As she got angry with the accused person, she lodged the case against him. During her cross examination the informant admitted that actually, the accused neither trespassed in her house or school nor tried to extort money from her. She further stated that she has no objection if the accused person is acquitted.
6. Accordingly, I find that, there is no incriminating material against the accused **Jeherul Islam** for warranting a conviction against him. Accordingly, I conclude that, the prosecution has miserably failed to substantiate its case and as such, the accused **Jeherul Islam** is found not guilty and hence acquitted of the offence u/s 448/385, IPC.
7. The accused is set at liberty forthwith. The bail bond will remain in force for next 6(six) months or till furnishing of fresh surety by the accused person 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 2<sup>nd</sup> day of January 2021.*

*(Signature)*

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

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*(Signature)*

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Chief Judicial Magistrate,  
Baksa: Mushalpur.  
Chief Judicial Magistrate  
Baksa, Mushalpur