

IN THE COURT OF THE JUDICIAL MAGISTRATE FIRST CLASS, Hatsingimari, Dhubri

**G. R. CASE NO: 695/2012
U/S. 341/323/506/34 I.P.C**

**STATE
VS
Riyajul Mullah and Other**

**PRESENT: PRASENJIT DAS,
JUDICIAL MAGISTRATE FIRST CLASS ,
Hatsingimari, Dhubri**

APPEARANCES:

**Astt. P. P. FOR THE STATE: R. Islam
ADV. FOR THE DEFENCE: A.Z.Ahmed**

DATE OF EVIDENCE: 24.1.17

DATE OF ARGUMENT: 24.1.17

DATE OF JUDGMENT: 30.01.17

JUDGMENT

1. The brief facts of the prosecution case as is revealed from the Ejahar dated 02.9.12 is that on 01.09.2012 the Ejahar named accused persons namely Kuran Mollah, Jahirul Mollah, Riyajul Mollah, Ibrahim Mollah, Ali Mollah, Ajgor Mollah, Ajibor Mollah, Mojid Mollah, Surman Mollah, Johar Uddin Mollah, Surat Jamal Sheikh, Sopiari Mollah, Siddiq Mollah, Hasan Mollah, Abul Mollah

and Sahinur Mollah attaced the informant, Sorhab Ali Mollah, Jabed Ali Mondol, Ajiton Bibi, Manik Mondol, Ain Uddin Mondol, Akram Mondol, Ebrahim Mondol, and Amir Hussain Mondol with lathi, rod and sharp weapon while they alighted at Dewanor Alga from Shallow Boat after coming from Sukhchar Bazar at about 4.30 in the evening. It is also alleged in the Ejahar that mobile phone and money were taken by the FIR named accused. As such the said Ejahar was filed and on receipt of the said Ejahar, vide G.D.E No 19, Sukhchar P.S Case No 92/2012; u/s 147/148/149/379/325/326 I.P.C was registered.

2. The police took up the investigation and on completion of investigation submitted a charge sheet u/s 147/323/352 I.P.C against the accused persons namely Johirul Mollah, Johiral Uddin Mollah, Riyazul Mollah, Ali Mollah, Azgiboar Mollah, Ibrahim Mollah, Siddiqe Mollah, Mozibor, Hassan Mollah, Abul Mollah, Sopior Mollah and Sahinur Mollah.

3. On appearance of the above named accused persons before this Court, the relevant copies were furnished to the accused persons and thereafter vide order dated 17.06.15 particulars of offence under section 147/352/323 I.P.C were read over and explained to the accused persons to which they pleaded not guilty and claimed to be tried.

4. During the trial, the prosecution side adduced its evidence and examined six witnesses and closed its evidence and considering the

nature of evidence statement of defence u/s 313 is dispensed with.

Defence produced no evidence.

5. Heard LD counsel for the prosecution and the defence.

6. FOLLOWING POINT HAS BEEN SET UP FOR DETERMINATION

(a) Whether the accused persons committed the offence under section 147/352/323 I.P.C ?

7. DISCUSSION ON THE POINT FOR DETERMINATION AND DECISION ARRIVED THEREON WITH REASONS:

7.1. Evidence of PW 2, the informant, reveals no incriminating evidence against the accused persons. His evidence reveals that the Ejahar was filed out of misunderstanding. Similar is the evidence of other prosecution witness. Injuries are not attributed to accused persons. Thus the evidence of the Prosecution is not beyond reasonable doubt and I have found loopholes in their evidence and as such benefit of doubt goes in favour of the accused persons. There is no incriminating evidence against the accused persons and hence they are discharged of all the charges against them and set forth at liberty. The bail bonds against the accused person shall remain in force for a period of six months.

ORDER

The prosecution has no case as it has no substantial evidence against the accused persons namely Johirul Mollah, Johiral Uddin Mollah, Riyazul Mollah, Ali Mollah, Azgiboar Mollah, Ibrahim Mollah, Siddiqe Mollah, Mozibor, Hassan Mollah, Abul Mollah, Sopor Mollah and Sahinur Mollah and they are discharged of all the charges against them and set forth at liberty.

The bail bonds against the accused persons shall remain in force for a period of 6 months in view of section 437-A Cr.P.C.

Given under my hand and seal of this Court on this the 30th day of January 2017.

Prasenjit Das, A.J.S

APPENDIX

A. Prosecution Exhibit:

B. Defence Exhibit: Nil.

C. Exhibit produced by witness:

D. Prosecution Witnesses:

- **P. W. 1: Manik Mondol**
- **P. W. 2: Sohrab Ali Mondol/Informant.**
- **P. W. 3: Jobed Ali Mondol.**
- **P. W. 4: Amir Hussain.**
- **P.W. 5: Ainuddin Mondol@ Alim Uddin Mondol.**
- **P. W.6: Ibrahim Mollah**

E. Defence Witnesses: Nil.

F. Court Witness: Nil.

Prasenjit Das.A.J.S