

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

**G. R. CASE NO: 741/2012
U/S. 147/323/352 I.P.C**

**STATE
VS
Manik Mondol 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. Hussain**

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 while the informant Mussa Molla and Ibrahim Mollah, Johirul Mollah, Sahinur Mollah, Ali Mollah, Ajgar Mollah and Mojibor Mollah were returning from Sukhchar P.S as a result of failed compromise meeting with the FIR named accused persons and as they came down from the shallow

boat at Diwanar Alga the accused persons namely Manik Mondol, Rashid Mondol, Hamed Mondol, A. Rashid Mondol, Ebrahim Mondol, Sorhab Mondol, Amir Mondol, Ain Uddin Mondol, Jabed Ali Mondol and Alauddin Mondol attacked them with lathi, rod etc and took money and Mobile phone. As such the said Ejahar was filed and on receipt of the said Ejahar, vide G.D.E No 20, Sukhchar P.S Case No 93/2012; 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 Manik Mondol, Rashid Mondol Ebrahim Mondol, Sorhab Mondol, Amir Mondol, Ain Uddin Mondol, and Jabed Ali Mondol.

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's reveal that the informant has now died, and all of them have stated that the Ejahar was filed out of misunderstanding as such their evidence reveals no incriminating evidence against the accused persons. Any 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 Manik Mondol, Rashid Mondol

G.R CASE NO: 741/2012

30.01.17

Ebrahim Mondol, Sorhab Mondol, Amir Mondol, Ain Uddin Mondol, and Javed Ali Mondol 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:** Azgor Ali.
- **P. W. 2:** Johirul Islam Mollah.
- **P. W. 3:** Sahinur Islam Mollah.
- **P. W. 4:** Abdul Mojid Mollah.
- **P.W. 5:** Riyazul Mollah.
- **P. W.6:** Johor Uddin Mollah.

E. Defence Witnesses: Nil.

F. Court Witness: Nil.

Prasenjit Das.A.J.S