

**IN THE COURT OF SUB-DIVISIONAL JUDICIAL MAGISTRATE (M),  
BILASIPARA.**

**PRC 1250 OF 2019**  
U/S 294/506/34 I.P.C.

STATE OF ASSAM.....PROSECUTION SIDE.

-Versus-

1. SAMAN ALI
2. AJGAR ALI
3. KASHEM ALI
4. ABDUL BATEN
5. JOYNAL ABEDIN.....DEFENCE SIDE.

**PRESENT: - SMTI SANGITA HALOI, AJS**  
Sub Divisional Judicial Magistrate (M),  
Bilasipara.

**COUNSELS:**

FOR the Prosecution: - SRI SOHRAB ALI SHEIKH, Ld. APP.  
FOR the Defence:- SRI HABIBAR RAHMAN, Ld. Counsel.

EVIDENCE recorded on: - 05.11.2020.  
ARGUMENT heard on: – 05.11.2020.  
JUDGMENT delivered on: –05.11.2020.

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

1. **THE PROSECUTION STORY** as unfolded by the FIR filed by Haji Fojor Ali is that on 04.08.2019 at about 9 AM while he was going to Kajaikata the accused persons started argument with him on the issue of offering 'salam' and then the accused persons also pushed him and used slang language against him. The accused persons also snatch away of Rs.2,000/- from his pocket. The accused persons also chased him with dagger & sharp weapons but he could save his life getting shelter his house. Hence, he filed this case.

2. On receipt of the FIR, Bilasipara P.S Case No.792/19 u/s 341/294/379/506/34 I.P.C. was registered and the I/O investigated into the case. Subsequently charge sheet was filed u/s 294/506/34 IPC against the accused persons.

3. After receipt of Charge-sheet cognizance was taken against the charge sheeted accused persons under above-mentioned sections and then after compliance with S.207 Cr.P.C and on appearance of the accused persons and on hearing Id. Counsels for both sides, particulars of offences u/s 294/506/34 I.P.C was read over and explained to the accused persons to which they pleaded not guilty and claimed to be tried. Prosecution examined only one witness in support of this case. The evidence of the prosecution side closed after examining the victim. Statement of the accused persons u/s 313 Cr.P.C. was dispensed with.

#### Points for Determination

I. Whether the accused persons on 04.08.2019 at about 9 AM at Sagunmari Pt-IV under Bilasipara P.S in furtherance of their common intention used obscene language against the informant Fojor Ali and thereby committed an offence punishable u/s 294/34 IPC ?

III. Whether the accused on the same date, time and place in furtherance of their common intention threatened the informant Fojor Ali and thereby committed an offence punishable u/s 506/34 IPC?

4. Heard Id. Counsels for both sides. Perused evidences on record. My decisions with reasons on the above framed points are as follows:-

#### DISCUSSION, DECISION AND REASONS THEREON

5. **PW.1 Fojor Ali** deposed that he is the informant of this case. The accused persons are his village people. One year back some domestic dispute took place between them. The matter was settled between them after filing the case.

6. From the evidence of the the Pw.1 (Informant), it appears that he did not support the contents of the FIR. He remained totally silent regarding any sorts of crime caused by the accused persons, instead he said the case was filed out of some domestic dispute.

7. Accordingly in view of above discussion I am of the opinion that Prosecution has failed to prove the charges against the accused persons u/s 294/506/34 IPC beyond reasonable doubt. Hence, the accused persons are acquitted of above charges and they be set at liberty forthwith. Bail bond to remain in force for six months as per section 437-A of Cr.P.C.

8. Given under my hand and seal of this Court on this the 5<sup>th</sup> day of November, 2020 at Bilasipara.

(Smti Sangita Haloi)

SDJM(M), Bilasipara.

**APPENDIX**

**Prosecution Witnesses:-**

PW.1 :- Fojor Ali

**Prosecution Exhibits:-**

Nil

**Defence Witnesses & Exhibits:-**

Nil

**Court Witnesses:-**

Nil

(Smti. Sangita Haloi)

SDJM (M), Bilasipara.