

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

**::DIBRUGARH::**

Present : Sri A.K. Baruah, LL.M, A.J.S.  
Chief Judicial Magistrate,  
Dibrugarh.

Case No. : GR 216/15  
u/s 323/341/294 IPC

State

**-vs-**

Md. Imran Ali..... Accused

Advocates appeared :

For Prosecution :- Miss D. Gogoi, Asst. P.P

For defence :- Md. I Ahmed.  
(Legal Aid Counsel)

Evidence recorded on :- 24.04.2019.

Argument heard on :- 24.04.2019.

Judgment delivered on :- 04.05.2019.

**JUDGMENT**

- 1.** The case of the prosecution in brief, is that on 26.01.2015, at about 6 PM, the accused person namely Moinajan Ali @ Imran Ali assaulted the son of the complainant namely Shri Debabrath Chetia, with an iron rod, causing injury to his person near Durga Mandir, Dillighat. The complainant namely Smti. Junu Chetia, lodged one FIR in the Namrup Police Station, regarding the incident.

2. On the basis of the FIR lodged by the complainant, a case, being Namrup P.S Case No. 16 of 2015, was registered under Section 325 IPC . Police conducted investigation into the case and filed charge sheet against the accused person namely Md. Imran Ali under section 341/294/323 IPC.
3. The accused appeared in this case. Copies were furnished to him under section 207 Cr PC. Particulars of offences under section 341/294/323 IPC were explained to the accused to which, the accused pleaded not guilty and claimed to be tried.
4. During the trial of the case, the prosecution side examined 4 (four) P.Ws in this case. The defence plea is of total denial. The defence did not adduce any evidence. Recording of statement of the accused under section 313 Cr PC was dispensed with.
5. I have heard the learned counsel for the accused and learned Asst. P.P for the State. Having heard both sides and after perusing the materials on record, the following points for determination are framed for the just decision of the case :-

6. **POINTS FOR DETERMINATION :-**

- i. Whether on 26.01.2015, at about 6.00 P.M, the accused person voluntarily caused hurt to the son of the informant namely Shri Debabrat Chetia ?
- ii. Whether on the same date, time and place, the accused person wrongfully restrained the son of the informant namely Shri Debabrath Chetia ?
- lii. Whether on the same date, time and place, the accused person uttered obscene words against the son of the informant namely Shri Debabrath Chetia, in order to annoy him in public ?

**Decision and Reasons for the Decision :-**

- 7.** The PW1 (Smti. Junu Chetia) deposed in her evidence that she is the complainant of this case and she knows the accused person. Due to some misunderstanding, she lodged this case against the accused person. PW1 identified the FIR as exhibit 1 and her signature as exhibit 1(i). PW1 has no allegation against the accused person. PW1 does not want to proceed with the matter. During her cross-examination, PW1 deposed that she has no objection if the accused person is acquitted from this case.
- 8.** The PW2 (Shri Debabratha Chetia) deposed in his evidence that the complainant is his mother and he knows the accused person. PW2 deposed that due to some misunderstanding, his mother (PW1) lodged this case against the accused. PW2 has no allegation against the accused. In his cross-examination, PW2 deposed that he does not have any objection if the accused person is acquitted.
- 9.** The PW3 (Riyaz Khan) deposed in his evidence that the complainant and the accused were known to him. PW3 deposed that due to some misunderstanding, the complainant lodged this case against the accused. PW3 has no allegation against the accused. In his cross-examination, PW3 deposed that he does not have any objection if the accused person is acquitted.
- 10.** The PW4 (Riyaz Sheikh) deposed in his evidence that the complainant and the accused were known to him. PW4 deposed that due to some misunderstanding, the complainant lodged this case against the accused. PW4 has no allegation against the accused. In his cross-examination,

PW4 deposed that he does not have any objection if the accused person is acquitted.

- 11.** From the above discussion, I found no material against the accused. PWs including the complainant and the victim have not implicated the accused. PWs did not implicate the accused by stating that due to some misunderstanding, PW1 lodged this case against the accused. Hence, from the evidence on record, I found no material against the accused. Hence, I hold the points for determination in the negative.
  
- 12.** In the result, I have not found the accused guilty in this case. Hence, I acquit him from the charge under section 323/341/294 IPC and set him at liberty forthwith. Considering the evidence of the complainant and victim, the case is not referred for victim compensation.  
Given under my hand and seal of this court on this 4<sup>th</sup> day of May, 2019.

(A K Baruah)  
Chief Judicial Magistrate,  
Dibrugarh.

**Appendix**

Prosecution Witness :-

PW1 :- Smti. Junu Chetia.

PW2 :- Shri Debabratha Chetia.

PW3 :- Riyaz Khan.

PW4 :- Riyaz Sheikh.

Defence witness :-

None

Exhibits :-

Prosecution exhibits :-

Exhibit 1 :- FIR.

Defence exhibits :-

None

Court witness :- None.

Court exhibits :- None.

**CJM, Dibrugarh**