

**IN THE COURT OF THE CHIEF JUDICIAL MAGISTRATE,  
DIBRUGARH :: ASSAM.**

G.R. Case No. 718/17

U/S 294/323/506/34 OF IPC

State of Assam

**-Vs-**

1. Shri Putu Das @ Bhabesh.
2. Md. Mamud Ahmed @ Mumu and
3. Md. Wazid Khan..... Accused

**PRESENT : A.K. BARUAH, LL.M. AJS.  
Chief Judicial Magistrate,  
Dibrugarh.**

**APPEARANCE :**

Advocate for the Prosecution : Miss D. Gogoi, Asst. P.P  
Advocate for the Defence : Mr T. Bhowmik.  
Date of evidence : 18.04.2019.  
Date of argument : 18.04.2019.  
Date of judgement : 02.05.2019.

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

1. The case of the prosecution in brief, is that on 02.03.2017, at about 9.00 P.M, when the complainant namely Arfan Naser, went to the market at Railgate near Amulapatty, alongwith his friend Abed Matin and Samir Ali , the accused persons namely Putu Das, Md. Mamud Ahmed and Wazid Khan armed with dao and hockey sticks wrongfully restrained them and assaulted them, as a result of which, the complainant and his friends sustained injury . The complainant Arfan Naser, had filed one FIR in the Amolapatty Police Out Post, regarding the incident.

2. On the basis of the FIR lodged by the complainant , a case, being Dibrugarh P.S Case No. 248 of 2017, was registered u/s 307/34 IPC . Police conducted investigation into the case and filed charge sheet against the accused person namely Shri Putu Das @ Bhabesh, Shri Mamud Ahmed and Wazid Khan u/s 294/323/506/34 IPC.
3. The accused appeared in this case. Copies were furnished to them u/s 207 Cr PC. Considering the material on record and hearing both sides, particulars of offences u/s 294/323/506/34 IPC were explained to the accused persons, to which, the accused pleaded not guilty and claimed to be tried.
4. During the trial of the case, the prosecution side examined 3 (three) P.Ws in this case. The defence plea is of total denial. The defence did not adduce any evidence. Recording of statements of the accused u/s 313 Cr PC were 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. **POINT s FOR DETERMINATION :-**
  - i. Whether on 02.03.2017, at about 9 P.M, the accused persons in furtherance of their common intention uttered obscene words against the complainant namely Arfan Naser and his friends Abed Matin and Samir Ali in order to annoy them in public ?
  - ii. Whether on the same date, time and place, the accused persons in furtherance of their common intention voluntarily caused hurt to the complainant namely Arfan Naser and his friends Abed Matin and Samir Ali ?
  - iii. Whether on the same date,time, the accused persons in furtherance of their common intention committed criminal intimidation by threatening

the complainant namely Arfan Naser and his friends Abed Matin and Samir Ali ?

**DECISION AND REASON FOR THE DECISION :-**

7. PW1 (Arfan Naser) deposed in his evidence that he is the complainant of this case and he knows the accused persons. Due to some misunderstanding, PW1 lodged this case. PW1 identified the FIR as exhibit 1 and his signature as exhibit 1(1). PW1 has no allegation against the accused persons.

In cross-examination, PW1 deposed that he has no objection if the accused persons are acquitted from the case. The exhibit 1 was not written by him. Therefore, he does not know what was written in exhibit 1.

8. PW2 (Abed Matin) deposed in his evidence that due to some misunderstanding, the complainant (PW1) lodged this case against the accused persons. PW2 has no allegation against the accused.

In his cross-examination, PW2 deposed that he has no objection if the accused persons are acquitted from this case.

9. PW3 (Samir Ali) deposed in his evidence that due to some misunderstanding, the complainant (PW1) lodged this case against the accused persons. PW3 has no allegation against the accused. In his cross-examination, PW3 deposed that he has no objection if the accused persons are acquitted from this case.

10. From the above discussion, I found no material against the accused. PWs have not implicated the accused. PW1 being the complainant cum victim and PW2 and PW3 being the other victims did not implicate the accused by stating that due to some misunderstanding, the complainant lodged the case. Hence, from the evidence on record, I found no material against the accused. Hence, I hold the points for determination in the negative.

**11.** In the result, I have not found the accused guilty in this case. Hence, I acquit them from the charge u/s 294/323/506/34 IPC and set them at liberty forthwith. Considering the evidence of the complainant cum victims, the case is not referred for victim compensation.

**12.** The bail bonds will be in force for 6 (six) months from today.

Given under my hand and seal of this court on this 02<sup>nd</sup> day of May, 2019.

(A K Baruah)

Chief Judicial Magistrate,

Dibrugarh.

**Appendix**

Prosecution Witness :-

PW1 :- Shri Arfan Naser.

PW2 :- Shri Abed Matin.

PW3 :- Shri Samir Ali.

Defence witness :-

None

Exhibits :-

Prosecution exhibits :-

Exhibit 1 :- FIR.

Defence exhibits :-

None

Court witness :- None.

Court exhibits :- None.

**CJM, Dibrugarh**