

**IN THE COURT OF JUDICIAL MAGISTRATE**  
**1<sup>st</sup> CLASS, UDALGURI, ASSAM**

**G.R. Case No.514/20 (PRC No. 11/21)**  
**u/s 341/323/354 of IPC**

**State of Assam**  
**-Vs-**  
**Md. Siyarul Hoque**  
**..... Accused person.**

*Present:- Smt. Priyanka Purkayastha, A. J. S.*  
*Judicial Magistrate 1<sup>st</sup> Class, Udalguri*

*Advocates appeared:*

For the State : Sri Abhoy Poudel  
For the Defence : Sri Tarun Ch. Boro  
  
Dates of Evidence : 06.12.2021  
Date of Argument : 22.12.2021  
Date of Judgment : 22.12.2021

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

### **Initiation of Proceeding:**

1. This case was initiated on the filing of a written FIR on **19.05.2020** by the informant **Miss Ruchiya Begum** against **Md. Siyarul Hoque**, the accused in this case.

### **Prosecution Story:**

2. The prosecution story in brief is that, on **19.05.2020** at about **03.40 PM**, while the informant along with one of her friends was going to Garuajhar Chowk from her house on her bicycle, the accused **Md. Siyarul Hoque** obstructed the informant on the road and pulled her by her hand and assaulted her with slaps and fist blows. The accused while being tried to get into love relationship with the informant was threatening her and was meeting her on the road for many days. Hence, this case.

3. On receipt of the aforesaid FIR, the Officer-in-Charge of Panery Police Station registered a case vide Panery PS case no. **31/2020**, u/s **341/325/354 of IPC** and entrusted **SI Sukumar Talukdar** to conduct the investigation of the case.

4. After completion of the investigation, the Investigating Officer submitted charge-sheet u/s **341/323/354 of IPC** against the accused.

**Procedure followed:**

5. On receipt of the charge-sheet, the cognizance of the said offences were taken u/s **190(1)(b) of Cr.PC**. After furnishing the copies of the relevant documents u/s **207 of Cr.PC** to the accused, a formal charge was framed u/s **341/323/354 of IPC** against the accused which was on being read over and explained to the accused, he pleaded not guilty and claimed to be tried. Hence, this trial.
6. In due course of trial, the prosecution examined two **(2)** nos. of witnesses. The statement of the accused u/s **313 of Cr.PC** was recorded in separate sheet which was in total denial and the same was kept with the case record. The accused declined to adduce any defence evidence. I have heard arguments from both the learned prosecution and the learned defence counsel.

**Points for determination:**

- I. Whether the accused on 19.05.2020 at about 03.40 PM, wrongfully restrained the informant and thereby committed an offence punishable u/s 341 of IPC?***
  
- II. Whether the accused on 19.05.2020 at about 03.40 PM, voluntarily caused hurt to the informant and thereby committed an offence punishable u/s 323 of IPC?***
  
- III. Whether the accused on 19.05.2020 at about 03.40 PM, assaulted the informant knowing it to be likely that he would hereby outrage her modesty and thereby committed an offence punishable u/s 354 of IPC?***

**Decision and reasons for the decision thereon:**

- 7.** Let me now evaluate the evidences adduced by the witnesses in the present case in light of law.
  
- 8.** **PW1, Ruchiya Begum**, the informant of this case, stated that she knew the accused. The incident took place about one year ago. On the day of the incident, she was going for a work on her cycle and met the accused on the road. **PW1** further stated

that she had a love relationship with the accused and due to some reason she did not talk to him for one week. Hence, the accused met her on the road and they entered into an altercation. Later on, on anger **PW1** had filed this case against the accused. **PW1** identified the FIR as **Ext.-1** and **Ext. 1(1)** as her signature.

9. During the cross-examination, **PW1** stated that the case was filed on mere misunderstanding with the accused and she has no grievance against the accused. **PW1** further stated that the matter is already solved in between them.
  
10. **PW2, Jesmin Begum** stated that she knew the informant of this case. She knew the accused person since this case was filed. The incident took place about 1 ½ / 2 years ago and on the day of the incident, **PW2** was going along with the informant (**PW1**) in her own cycle. Suddenly, the accused appeared before them and entered into an altercation with the informant. **PW2** further stated that the accused asked the informant about a mobile phone and when she told the informant that the mobile phone was lost, they entered into an altercation.

- 11.** During the cross-examination, **PW2** stated that the matter is resolved in between the informant and the accused and they have a good relationship at present.
- 12.** For the convenience of discussion, the points for determination are taken together for decision.
- 13.** On a plain reading of the evidences adduced by the informant (**PW1**) and the eye-witness (**PW2**), it appears that the informant, **PW1** had a love relationship with the accused and as she did not talk to him for a week, the accused met her on the road and they had entered into an altercation and this case was filed as a result of mere anger and misunderstanding. **PW2** also supported the statement of **PW1**.
- 14.** Having so discussed above, the Court is of the opinion that none of the witnesses had implicated the accused for the alleged offence and no incriminating material is found against the accused to hold that the accused had committed any act as such to bring home the offence u/s **341/323/354 of IPC** as alleged against him. Therefore, the points for determination are decided in negative.

**ORDER**

**15.** In view of the above reasons, it is found that the prosecution is unable to prove the case beyond all reasonable doubts. Hence, the accused **Md. Siyarul Hoque** is held not guilty under section **341/323/354 of IPC** and he is acquitted. The accused is set at liberty forthwith. The bail bond shall stand extended for six months as per Sec **437-A of Cr.PC.**

**16.** The judgment is delivered in the open Court in presence of the accused and the learned counsels.

*Given under my hand and the seal of this court on this **22th day of December, 2021.***

Dictated and corrected by me,

(P. Purkayastha)  
JMFC, Udalguri

(P. Purkayastha)  
JMFC, Udalguri

**APPENDIX**

A. Prosecution witnesses-

- (1) **PW1 Ruchiya Begum (informant)**
- (2) **PW2 Jesmin Begum**

B. Court witness- Nil.

C. Defence Witness- Nil.

D. Documents exhibited:

- (1) **Ext. 1- FIR**

(P. Purkayastha)  
JMFC, Udalguri