

ASKJ040006332023

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

Present: Sri Bidyabrata Acharyya, AJS

Chief Judicial Magistrate, Sribhumi

(Date of Judgment: **02.07.2026**)(Case No. **GR 875/2021; PRC 233/2023**)

(Karimganj PS Case No. 333/2021)

COMPLAINANT:	STATE OF ASSAM
REPRESENTED BY	Sri M. Singha, Ld. Addl. PP
ACCUSED	Nurjan Bibi & 2 ORS.
REPRESENTED BY	Smt. Shuvra Paul, Advocate
Date of offence	29.03.2021
Date of FIR	06.04.221
Date of Charge-Sheet	29.04.2021
Date of Offence explanation	27.10.2023
Date of commencement of evidence	02.07.2026
Date on which judgment is reserved	---
Date of Judgment	02.07.2026
Date of the Sentencing Order, if any	Nil

STATE OF ASSAM -Vs-Nurjan Bibi & 3 ORS.

Accused Details:

Rank of the Accused	Name of Accused	Date of Arrest	Date Release on Bail	Offences charged with	Whether Acquitted or convicted	Sentence Imposed	Period of Detention Undergone during Trial for purpose of Sec. 428 Cr.P.C
A1	Nurjan Bibi	Nil	27.01.2023	u/s 447/323/34 IPC	Acquitted	Nil	Nil
A2	Safique Miya	'do'	27.01.2023	'do'	'do'	'do'	'do'
A3	Buku Mia	'do'	27.01.2023	'do'	'do'	'do'	'do'

J U D G M E N T

1. The prosecution case in brief is that on 29.03.2021 at about 10:30 AM accused persons Nurjan Bibi, Kabil Ahmed, Safique Mia and Buku Mia criminally trespassed into the land of the Informant and constructed a cement pillar in his land. When the Informant objected to the activity of the accused persons, the accused persons started assaulting him physically due to which Informant sustained injury. Hence, the case.

2. On receipt of the ejahar, Karimganj PS Case No. 333/2021 under Sections 447/325/34 IPC was registered against Nurjan Bibi and two others. Investigation into the case was commenced and after completion of the usual investigation, charge-sheet under Sections 447/323/34 IPC was submitted against Nurjan Bibi, Safique Mia and Buku Mia to stand the trial.

3. Trial of the case was commenced. After the appearance of accused persons, relevant copies were furnished to them. Upon perusal of the Charge Sheet and the documents attached therewith and upon hearing the rival contentions at length, particulars of the offences under Sections 447/323/34 of IPC were read over and explained to the accused persons to which they pleaded not guilty and claimed to be tried.

4. To bring home its charges, prosecution side examined one witness namely, Abdul Halim (informant) as PW1. Considering the nature of evidences adduced by the Informant, Ld. Addl. PP prayed for the closure of prosecution evidence. The Court was also convinced that no useful purpose would be served by examining other PWs and as such the prosecution evidence was closed.

5. Accused persons were not examined under Section 313 Cr.PC as no incriminating materials were found in the evidence of the witness. Accused persons declined to adduce defence evidence.

6. Arguments of both the sides were also heard.

POINTS FOR DETERMINATION:

7. After the perusal of the Case Record, I have found the following Points to be determined by the Court:

I. Whether on 29.03.2021 at about 10:30 AM, accused persons namely, Nurjan Bibi, Safique Miya and Buku Miya in furtherance of common intention, trespassed into the land premises of the informant and thereby committed an offence punishable under Section 447/34 IPC?

II. Whether on the same date, time and place, the aforesaid accused persons, in furtherance of common intention, voluntarily caused hurt to the aforesaid victim and thereby committed an offence punishable under Section 323/34 IPC?

DISCUSSION, DECISIONS & REASONS THEREOF:

8. To determine the aforesaid Points and to reach a judicial decision on the same, let me now adumbrate the evidences on record.

9. PW1 Abdul Halim, who is the informant, stated in his deposition that he knows all the accused persons and they are his neighbours. Incident took place in the year 2021. On the day of incident at about 9:00 AM he was at his home. At that time there was a verbal altercation between him with the accused persons regarding putting of one pillar. Thereafter, due to misunderstanding he filed FIR. Police recorded his statement. Ext. P1/PW1 is the FIR and Ext. P1(1)(2)/PW1 are his signatures.

10. During cross examination, PW1 has stated that accused persons also filed a case against them and that case was also amicably settled and disposed off. He do not have any allegations against the accused persons at present. He do not have any objection if the accused persons are acquitted from this case.

11. If the above deposition of the Informant is considered, it can be seen that there are no incriminating materials against the accused persons and hence, statements of accused persons under Section 313 Cr.PC were also dispensed with. In the cross examination of the aforesaid witness, he has stated that he do not have any objection, if the accused persons are acquitted in this case as the matter has been amicably resolved between them and he do not want to proceed with this case. There is not an iota of allegation in the evidence of the Informant to the effect that the accused persons committed the offences as alleged. Hence, the points in hand are decided against the prosecution.

12. In view of aforesaid discussion and considerations, it can be safely concluded that Prosecution has not been able to prove that accused persons committed the offences as alleged. As such, accused Nurjan Bibi, Safique Mia and Buku Mia are **acquitted** of the charges labelled against them.

So, accused persons be set at liberty forthwith.

The bail-bonds for accused persons would remain in force for the next six (6) months in view of Sec. 437-A Cr.P.C.

Given under my hand and seal of this Court on this 02nd
day of July, 2026, at Sribhumi.

(B. Acharyya)

CJM, Sribhumi

APPENDIX

LIST OF PROSECUTION/DEFENCE/COURT WITNESSES

A. Prosecution:

RANK	NAME	NATURE OF EVIDENCE
PW1	Abdul Halim	Informant

B. Defence Witness: Nil

C. Court Witness: Nil

LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS

A. Prosecution:

Sl. No.	Exhibit Number	Description
1	Ext. P1/PW1	FIR
2	Ext. P1(1)(2)/PW1	Signatures on FIR

B. Defence Exhibit: Nil

C. Court Exhibit: Nil

D. Medical Objects: Nil

(B. Acharyya)

CJM, Sribhumi