

ASKJ040057782022



THE COURT OF JUDICIAL MAGISTRATE FIRST CLASS NO.1,

SRIBHUMI, ASSAM

Present: Tahmina Laskar, AJS,
 JMFC(I), Sribhumi

(Date of Judgment: 22.07.2026)

(GR 3818/2021 PRC 1160/2022)

(Ratabari PS Case No. 508/2021

U/S 294/323 of IPC

COMPLAINANT:	State of Assam
REPRESENTED BY	SHRI RAJU MALAKAR, LD. A.P.P
ACCUSED	(A1) Abdul Manik @ Lalu Mia
REPRESENTED BY	Hirak Dutta, LD. ADVOCATE
Date of offence	16.12.2021
Date of FIR	17.12.2021
Date of Charge-Sheet	29.03.2022
Date of Framing of Charge	01.02.2025
Date of commencement of evidence	13.02.2026
Date on which judgment is reserved	22.07.2026
Date of Judgment	22.07.2026
Date of the Sentencing Order, if any	Nil

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	Abdul Manik @ Lalu Mia	Nil	27.08.2024	294/323 IPC	Acquitted	Nil	Nil

JUDGMENT

PROSECUTION VERSION

1. The prosecution story is that the accused person namely Abdul Manik @ Lalu Mia on 16.12.2021 came in his TATA Magic vehicle bearing registration No. 5386 and assaulted the Informant physically due to which Informant sustained injury. Hence, the instant case.

ALLEGATIONS

2. On the basis of the information received from the ejahar filed by the informant; the Officer in charge of Karimganj Police Station registered a case as Karimganj P.S. Case No. 1274/2021, U/S

294/323/379 of Indian Penal Code (IPC) on 17.12.2021 and commenced investigation.

INVESTIGATION

3. After completion of investigation and on finding sufficient materials against the accused person, the Investigating Officer submitted the charge-sheet against the accused person, namely, Abdul Malik @ Lalu Mia (A1) for offences punishable under Sections 294 and 323 of IPC on 29.03.2023

CHARGE FRAMING

4. Accordingly, the processes were issued under section 204 CrPC and in due course the accused person Abdul Manik @ Lalu Mia (A1) appeared before the court and was allowed to go on bail. In compliance with the provision laid down under Section 207 of the Code of Criminal Procedure Code (CrPC); the accused person was supplied with relevant materials. And on finding prima facie materials against the accused person, Abdul Manik (A1) particulars of offence under Sections 294 and 323 of IPC were read over and explained to the accused person to which he pleaded not guilty and claimed to be tried.

TRIAL

5. The prosecution side examined 02 witnesses i.e. informant. On 16.07.2026, the prosecution evidence has been closed on the prayer made by the prosecution due to the fact that there was remote possibility in the development of prosecution story any further. The examination of the accused person under Section

313 Cr.P.C. was conducted with and kept with the case record. The accused person, in his statements recorded under section 313 Cr.P.C. has stated that all the allegations made against him are false as he is innocent. Further no evidence was adduced by the defence side.

6. I have heard the arguments advanced by the Learned Counsel appearing for the accused person as well as the Learned Assistant Public Prosecutor for the state.

POINTS FOR DETERMINATION

7. I have found the following points for determination in this case.
- a) *Whether the accused person, on 16.12.2021 at about 4:30 PM abused the Informant with obscene language and thereby committed an offence punishable under Section 294 of IPC?*
 - b) *Whether the accused person, on 16.12.2021 at about 4:30 PM physically assaulted the informant with fist and blows due to which he sustained injuries and thereby committed an offence punishable under Section 323 of IPC?*

PRODUCTION OF THE EVIDENCES ADDUCED

8. **PW-1** namely **Islam Uddin/informant** in his examination-in-chief deposed that he is the informant. He has filed this case against Lalu Mia. Sometime in month of December, 2021, at around 4:30 PM, while he was on the way back to Pua Mara driving his e-rickshaw, on reaching Mubarak Pur, near 'Bharat Tyre' he had an altercation with the accused in connection to

giving way to his Magic truck bearing Regn No 6345. The accused assaulted him with fist blows, punched him on his upper lip and caused bleeding injuries. People gathered on the spot and took him away. He later approached Karimganj PS to lodge the instant case and Police took me for medical examination at Sribhumi Civil Hospital. Police recorded his statement. He identified **Exhibit-P1/PW1** as his ejahar and **Exhibit-P1(1)/PW1** as his signature. He further identified **Exhibit-P2/PW1** as the FIR form and **Exhibit-P2(1)/PW1** as his signature.

9. In his cross-examination, PW-1 admitted that soon after the incident, he filed the instant case. He does not remember the exact date of occurrence. Around 50 persons gathered on the spot, including Abdul Malik and Kabir Uddin, during the occurrence of the incident. He denied the suggestion that the accused did not assault him in the way he deposed before the Court today. He denied the suggestion that the accused did not abuse him during the incident. He denied the suggestion that on account of an existing grudge against the accused he lodged this case falsely to harass the accused. He denied the suggestion that he assaulted the accused during the incident.
10. **PW-2** namely **Abdul Kuddus** stated in his examination-in-chief that he knows the informant, he is his brother. Informant filed the case against the accused persons Lalu Mia @ Abdul Manik. The incident took place in the year 2021, at about 4.30

PM. At that time, he was at his home. The incident took place at Mubarakpur in front of Bharat tyres. His brother was returning from work, and he had an altercation with the accused person. After 3-4 hours, his brother came to him and narrated the incident and he suggested him to file the instant case against the accused person. Police recorded his statement.

11. PW-2 admitted in his cross-examination that he has not witnessed the incident himself. He further admitted that him and his brother went to PW/Abdul Malik and narrated the incident to him who was also not present at the place of occurrence. He admitted that the place of occurrence is 1-1.5 kms away from the house of the PW/Abdul Malik and that PW/Abdul Malik is his maternal uncle. He admitted that PW/Abdul Malik was named as an witness in this case, as they have good relation with him. He also admitted that his brother lodged this instant case out of misunderstanding and the matter has now been amicably settled. He admitted that he does not have any problem, if the accused person is acquitted in this case.

APPRECIATION OF EVIDENCE AND DECISION THEREOF

12. In the instant case PW1 who is the victim of this instant case states that the incident took place sometimes in the month of 2021 but in his cross-examination he explicitly admits that he did not remember the exact date of occurrence. Even PW1 deposed that he sustained bleeding injuries on his upper lips and was examined at Sribhumi Civil Hospital but no medical report is

marked as an exhibit to establish the nature or existence of the alleged bleeding injury. Further PW2 has stated in his cross-examination that his brother lodged the instant case out of misunderstanding and he has no objection if the accused person is acquitted from this instant case. All these points as discussed above create sufficient doubt about the prosecution story.

13. Thus, the prosecution has failed to prove the guilt of the accused person beyond reasonable doubt in light of discussion made above and thus, the accused person is entitled to be acquitted from the instant case in the wake of such benefit of doubt.

14. Thus, from the depositions adduced, there is no iota of evidence which proves that the accused person, namely, Abdul Malik (A1) has committed any offence as alleged.

15. Hence, the prosecution has miserably failed in establishing the allegations of against the accused person, thereby making him not guilty of the offences under Sections 294 and 323 of IPC.

16. In the light of above discussions and reasons I am of the opinion that the prosecution has failed to prove the case beyond reasonable doubt against the accused person namely **Abdul Malik @ Lalu Mia (A1)** under Sections 294 and 323 of IPC and hence the accused person deserves to be acquitted of the offences leveled against him.

ORDER

17. Accused person **Abdul Malik @ Lalu Mia (A1)** is present. In

view of the above discussions and reasons mentioned in the judgment, I am of the opinion that the prosecution has failed to prove the case against the accused person beyond reasonable doubt under Section 294 and 323 of IPC and hence he is acquitted from this case and thereby set at liberty.

18. The bail bond of the accused person shall remain in force for next 6 months in view of Section 437A of CrPC.

19. Seized items if any in connection to this instant case shall be disposed in accordance to law.

20. Make necessary entry in the judgment register.

21. *Given under my hand and seal of this court on this 22nd day of July, 2026 (Wednesday) at Sribhumi Court.*

**Tahmina Laskar, AJS,
JMFC(I), Sribhumi**

APPENDIX**LIST OF PROSECUTION/DEFENCE/COURT WITNESSES****A. Prosecution:**

RANK	NAME	NATURE OF EVIDENCE
PW-1	Islam Uddin	Informant cum victim
PW-2	Abdul Kuddus	Other witness

B. Defence Witness:

RANK	NAME	NATURE OF EVIDENCE
	NIL	NIL

C. Court Witness:

RANK	NAME	NATURE OF EVIDENCE
	NIL	NIL

LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS**A. Prosecution:**

Sr. No.	Exhibit Number	Description
1	Exhibit-P1/PW-1	Ejhar
2	Exhibit-P1(1)/PW-1	Signature of PW-1
3	Exhibit-P2/PW-1	FIR Form
4	Exhibit-P2(1)/PW-1	Signature of PW-1

B. Defence Exhibit :

Sr. No.	Exhibit Number	Description
1	NIL	NIL

C. Court Exhibit :

Sr. No.	Exhibit Number	Description
1	NIL	NIL

Medical Objects :

Sr. No.	Exhibit Number	Description
1	NIL	NIL

**Tahmina Laskar, AJS,
JMFC(I), Sribhumi**