

ASKJ040049552017



THE COURT OF JUDICIAL MAGISTRATE FIRST CLASS-I, SRIBHUMI	
PRESENT: SMT. TAHMINA LASKAR, A.J.S, JUDICIAL MAGISTRATE, FIRST CLASS-I, SRIBHUMI	
(Date of Judgment 18.07.2026)	
(PRC No. 28/2018)(GR no. 1416/2017)	
(Under Sections 448, 323, 354A r/w Section 34 of IPC)	
(Patharkandi PS Case No. 227/2017)	
	STATE OF ASSAM
REPRESENTED BY	Mr. Raju Malakar, Learned A.P.P.
ACCUSED PERSON	Taslim Uddin (A1) Ekram Ali (A2) & Sufara Begum (A3)
REPRESENTED BY	Adv. Shubankar Dey & Associates, Learned Defence Counsels.

Date of Offence	01.07.2017
Date of FIR	02.07.2017
Date of Charge Sheet	31.07.2017
Date of Framing of Charge	09.08.2018
Date of commencement of evidence	12.01.2022

Date on which judgment is reserved	06.07.2026
Date of Judgment	18.07.2026
Date of the Sentencing Order, if Any	Nil

Accused Details:

Rank of the Accused	Name of Accused	Date of Arrest	Date of 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	Taslim Uddin	N/A	09.08.18	Under Section 448, 323 & 354A r/w Section 34 of I.P.C.	Acquitted	N/A	N/A
A2	Ekram Ali	N/A	09.08.18	-do-	Acquitted	N/A	N/A
A3	Sufara Begum	N/A	09.08.18	-do-	Acquitted	N/A	N/A

JUDGMENT

1. The instant criminal case is set in motion through a written 'ejahar' lodged by one Minara Begum alleging that on 01.07.2017 at around 1.30pm when the informant/victim was sleeping in her room the accused persons entered her room and pushed and pulled her and also assaulted her with fists and blows due to which she fell down on the ground. The accused persons also had an altercation with her. Hence, the prosecution case.

2. The Officer-in-Charge, Patharkandi Police Station on receipt of the FIR at the P.S., registered the same as Patharkandi PS Case no. 227/2017 under Sections 448, 323, 354 read with Section 34 of Indian Penal Code (IPC) against the FIR named accused persons namely Taslim Uddin, Ekram Ali and Sufara Begum and got the matter investigated into. After completion of investigation police filed charge-sheet against the accused person namely Taslim Uddin (A1), Ekram Ali (A2) and Sufara Begum (A3) for the alleged offences under Sections 448, 323, 354 read with Section 34 of IPC. That, after securing appearance of the accused persons they were enlarged on court bail. The copies of the relevant documents of the case were furnished to accused persons. Thereafter, the substance of the accusations and the particulars of the offences punishable under Sections 448, 323, 354 read with Section 34 of the IPC were read over and explained to the accused persons A1, A2 and A3 to which they pleaded not guilty and claimed trial.

3. The prosecution in support of its case has examined four witnesses including the informant/victim. The evidence of the I.O. and M.O. could not be recorded as the prosecution despite several opportunities failed to produce them before the court and consequently the court vide order dated 25.06.26 closed the prosecution evidence owing to long pendency of the case and undue delay. The

examination of the accused persons A1, A2 and A3 under Section 313 of Cr.P.C was carried out and their stance was that of complete denial.

4. I have heard the argument advanced by the learned counsels for both sides. I have also perused the case record along with other materials.

5. Points for determination:-

After going through the case record and after hearing the arguments forwarded by the learned counsels from the prosecution and the defence side, I deem it fit to frame the following points for determination:

a) Whether the accused persons A1, A2 and A3 in pursuance of common intention on 01.07.2017 at around 1.30pm entered the room of the informant illegally and thereby have committed the offence punishable under Section 448 read with Section 34 of the IPC as alleged?

b) Whether the accused persons A1, A2 and A3 in pursuance of common intention on 01.07.2017 at around 1.30pm entered the room of the informant and assaulted her knowing it to be likely that it will outrage her modesty and thereby have committed the offence punishable under Section 354A read with Section 34 of the IPC as alleged?

c) Whether the accused persons A1, A2 and A3 in pursuance of common intention on 01.07.2017 at around 1.30pm assaulted the informant and caused her simple hurt and thereby committed an offence punishable under Section 323 read with Section 34 of the IPC?

Discussion, Decision and Reasons thereof:-

6. PW-1 namely **Minara Begum** stated in her examination in chief that she has filed this instant case against her father-in-law, mother in law and her brother in law. She stated that the incident took place about 5 years ago at 1.30 pm in the afternoon. She stated that she was putting her child to sleep at that time and she also fell asleep. She stated that at that time her brother in law namely Taslim Uddin entered the room and grabbed her body and when she raised hue and cry he tried to strangle her. On hearing hue and cry her father-in-law and mother in law came inside the room and started to assault her and asked her to keep quiet. Thereafter she filed this instant case. She identified Exhibit-1 as the ejahar and Exhibit-1(1) as her signature.

7. During her cross-examination PW-1 admitted that her paternal home and her matrimonial home are close to each other. She admitted that she had filed the ejahar on the day of the incident itself and her

medical examination was also done on that very day. She admitted that her husband came 7-10 days after the incident. She admitted that she is staying at her matrimonial home with her husband and they have a separate kitchen. She admitted that on the east of her matrimonial home is the house of Akram Ali and on the west is her paternal home; on the north is the house of Sunahar Ali and on the south is the house of Rafik Uddin and there are people residing in all these houses. She admitted that upon hearing her hue and cry at the time of the occurrence no one from the locality arrived at the place of occurrence and only the accused persons were present at the place of occurrence at the time of occurrence. She admitted that she is currently staying on the land and in the house which are owned by her father in law. She admitted that her father's name is Sad Uddin. She denied the suggestion that she filed this instant false case to stay apart from her in-laws. She denied the suggestion that no incident as narrated by her ever took place.

8. PW-2 namely **Joiyan Uddin** stated in his examination in chief that he knows the informant who is his neighbour and he also knows the accused persons, Taslim Uddin, Ekram Ali and Sufara Begum. He stated that the incident took place about 7 years back at about 1.30 PM. He stated further that on that day he was grazing his buffalo near his house and he

heard hue and cry and proceeded to the place of occurrence, on reaching the place of occurrence he saw Ekram Ali and Sufara Begum restraining the informant and Taslim Uddin kicked her and due to the assault the informant fell to the ground. He thereafter separated the accused persons and took away Taslim Uddin from the informant and then the informant filed the instant case. He stated that the police recorded his statement and he narrated the incident, as he has stated today.

9. During his cross-examination PW-2 admitted that Hanif Uddin and Sonahar Ali's houses are located near the place of occurrence. He denied the suggestion that he did not state before the police that "I saw Ekram Ali and Sufara Begum restraining the informant and Taslim Uddin kicked her. Due to the assault the informant fell to the ground. Thereafter, I separated the accused persons and took away Taslim Uddin from the informant". He admitted further that other than Hanif Uddin and Sonahar Ali there are no other houses near the place of occurrence. He admitted that his house is five minutes walking distance from the place of occurrence. He denied the suggestion that he heard hue and cry and proceeded to the place of occurrence, on reaching the place of occurrence at the time of occurrence. He denied the suggestion that the informant has filed a false case

against the accused persons. He admitted that presently, the informant is residing in the house of the accused persons and she has a separate kitchen and she is living separately along with her husband from the other family members in the same house. He denied the suggestion that he has deposed falsely on behalf of the informant, with whom he has good relation.

10. PW3 namely **Sharif Uddin** stated in his examination in chief that he knows the informant. He stated further that he also knows the accused persons Taslim Uddin, Ekram Ali and Sofara Begum. He stated that the incident took place about 8 years back, at about 4 to 4.30 PM when he was proceeding towards the house of fair price shop dealer and when he reached the house of the informant he heard crying sound coming from inside the house. Thereafter, he entered the house and saw that the clothes of the informant were torn. He heard that the informant's clothes were forcefully undressed by Taslim Uddin and he also tore her clothes and the accused Taslim Uddin and Sofara Begum assaulted her. Police recorded his statement and he had narrated the same incident as he deposed before the court today.

During his cross-examination PW-3 admitted that he has not seen any injury on the person of the informant. He denied the suggestion that he did not

state before the police that "I heard that the informant's clothes were forcefully undressed by Taslim Uddin and also tore her clothes". He denied the suggestion that he has stated falsely that "I was proceeding towards the house of fair price shop dealer and when I reached the house of the informant, I heard crying sound coming from inside the house. Thereafter, I entered the house and saw that the cloths of the informant were torn and the informant told me about the incident". He admitted that on reaching the place of occurrence he found the accused persons along with some other persons present and in total there were 10-12 persons. He admitted that the place of occurrence is about 2-3 minutes away from his house. He admitted that he did not witness the occurrence. He denied the suggestion that he has deposed falsely on behalf of the informant with whom he shares good relation.

11. PW-4 namely **Aftab Uddin** stated in his examination in chief that he knows the informant. He stated that she filed the instant case against the accused persons Taslim Uddin, Ekram Ali and Sufara Begum. He stated that the incident took place on 01.07.2017, at about 1/1.30 PM. At the time of occurrence, he along with Sarif Uddin and one other and they were proceeding towards the road which passes by the road near the house of the informant. On hearing the hue and cry, they went to the house of

informant from where it was coming. On reaching there, they heard an altercation and he was told by the informant that accused Taslim Uddin assaulted her. The other accused persons verbally abused the informant. Thereafter, the informant filed the instant case. Police recorded his statement.

12. During his cross-examination PW-4 admitted that his house is five minutes walking distance away from the place of occurrence. He admitted that he knows the neighbours of the informant. He further admitted that Hanif Uddin's house is 03 minutes walking distance away from the informant's house and his house is near his house. He admitted that Ekram Ali's house is 05 minutes walking distance away from the place of occurrence. He admitted that besides his house and the houses mentioned above, there are no other house near the place of occurrence. He denied the suggestion that he did not state before the Police that he alongwith Sarif Uddin were going to the house of a dealer at the time of occurrence. He denied the suggestion that he has falsely stated that "On hearing the hue and cry, we went to the house of informant from where it was coming. On reaching there, we heard an altercation and I was told by the informant that accused Taslim Uddin assaulted her".He admitted that he cannot recall when police recorded my statement. He admitted that his statement was recorded at the place of occurrence. He admitted

further that when they reached the place of occurrence, he did not find anyone else other than whom he has mentioned above. He denied the suggestion that that the accused persons did not commit any offence, as he deposed. He admitted that he did not witness the accused Taslim Uddin assaulting the informant. He denied the suggestion that he has deposed falsely today, as he has good relation with the informant.

13. This is the evidence adduced by prosecution in this case. PW-1 who is the informant cum victim stated that the accused Taslim Uddin touched her body and when she raised hue and cry the co-accused persons Ekram Ali and Sufara Begum assaulted her. However, PW-2 stated that the accused Taslim Uddin kicked her due to which she fell on the ground and Ekram Ali and Sufara Begum had restrained the informant. PW-3 stated that he saw the informant in torn clothes and he had heard that Taslim Uddin forcefully tried to undress her. PW-4 stated that Taslim Uddin assaulted the informant and the co-accused persons Ekram Ali and Sufara Begum verbally abused the informant. PW-1 during her cross-examination clearly admits that only her and the accused persons were present at the place of occurrence at the time of occurrence. Not a single statement regarding the chain of events is corroborating with each and this punches holes into

the prosecution story creating a room for doubt. Further the prosecution did not examine any other witness to better its case.

14. Now, on going through the evidence of the said vital witness, it appears that in the instant case although the accused persons A1, A2 and A3 are facing trial for the alleged offences under Sections 448, 323, 354A read with of the IPC but from the aforesaid piece of evidence of the witnesses it cannot be said that the accused persons have committed such offences as alleged in the FIR beyond reasonable doubt. Apparently, there is no consistent incriminating material in the evidence of the said witnesses to connect the accused persons with the alleged offences.

15. DECISION: The prosecution has failed to prove that the accused persons A1, A2 and A3 have committed the offences under **Sections 448, 323, 354A** read with **34** of **IPC**.

ORDER

16. Situated thus, the prosecution has failed to establish the guilt of the accused persons. As such, the accused persons namely **Taslim Uddin (A1)**, **Ekram Ali (A2)** and **Sufara Begum (A3)** are held not guilty of the offences under **Sections 448, 323, 354A** read with **34** of **IPC**. Accordingly, the accused persons are acquitted of the offence under **Sections**

448, 323, 354A read with **34** of **IPC** and are set at liberty forthwith.

17. The bail bonds executed by the accused persons and surety are extended for next six months as per the provisions of Section 437(A) Cr.P.C.

18. Seized articles, if any may be disposed off in accordance with the applicable legal provisions. The case is disposed of on contest.

19. Pronounced by me on this open Court, this 18th day of July, 2026 (Saturday) under the hand and seal of this Court.

Typed & Corrected by me -

(Tahmina Laskar)
Judicial Magistrate First Class-I
Sribhumi

APPENDIX

LIST OF PROSECUTION/ DEFENCE/ COURT WITNESSES

A. Prosecution:

RANK	NAME	NATURE OF EVIDENCES (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
PW1	Minara Begum	Informant cum victim
PW2	Joiyan Uddin	Other Witness
PW3	Sharif Uddin	Other Witness
PW4	Aftab Uddin	Other Witness

B. Defence Witnesses, If any:

RANK	NAME	NATURE OF EVIDENCES (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
	NIL	

C. Court Witnesses, if any:

RANK	NAME	NATURE OF EVIDENCES (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
	NIL	

LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS

A. Prosecution:

Sr. No.	Exhibit Number	Description
1	NIL	

B. Defence:

Sr. No.	Exhibit Number	Description
1	NIL	

C. Court Exhibits:

Sr. No.	Exhibit Number	Description
1	NIL	

D. Material Exhibits:

Sr. No.	Exhibit Number	Description
1	NIL	

(Tahmina Laskar)
Judicial Magistrate First Class-I,
Sribhumi.