

ASDB020111442022



::IN THE COURT OF CHIEF JUDICIAL MAGISTRATE::

::DIBRUGARH::

Present: SRI NIRMAL KUMAR LASKAR, C.J.M., DIBRUGARH

Dated: 01.07.2026

P.R. Case No. 2878/2022 (G.R. Case No. 1393/2022)

Charge: u/s 323/352/34 of Indian Penal Code (I.P.C.)

Dibrugarh P.S. FIR No. 568 of 2022

COMPLAINANT	STATE OF ASSAM
REPRESENTED BY	SRI MONTU RAJKHOWA Ld. Addl. Public Prosecutor
ACCUSED	A1. Tahmina Ahmed d/o Tufiquddin Ahmed, r/o Stell Worth Colony P.S. & DIST. Tinsukia A2. Zafred Ahmed s/o Lt Saidulla Ahmed, r/o Padum Nagar, P.S. & DIST. Dibrugarh A3. Sabreena Ullah Ahmed d/o Sahidullah Ahmed, r/o Opposite Public High School, Bye Lane-2, Padum Nagar, P.S. & DIST. Dibrugarh A4. Sahina Seikh d/o Mira Begum, r/o Saligram Petrol Pump Niz Lahowal, P.S.-Lahowal, DIST. Dibrugarh
REPRESENTED BY	1. Amarjit Sahu 2. Sumit Kumar Todi Ld. Counsels for the accused



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P.R. Case No. 2878/2022 (G.R. Case No. 1393/2022)

Date of Offence	12.09.2022
Date of FIR	17.09.2022
Date of Charge sheet	24.11.2022
Date of Framing of Charges	14.08.2023
Date of Commencement of evidence	09.10.2023
Date on which judgment is reserved	17.06.2026
Date of Judgment	01.07.2026
Date of Sentencing Order, if any	N.A.



Rank of the Accused	Name of Accused	Date of arrest	Date Released on bail	Offences charged with	Whether Acquitted or convicted	Sentence Imposed	Period of detention Undergone during Trial for purposed of Sec. 428 Cr.P.C.
A1	Tahmina Ahmed	None	14.08.23	u/s 323/352/34, IPC	Acquitted	N.A.	N.A.
A2	Md. Zafred Ahmed	None	14.08.23	u/s 323/352/34, IPC	Acquitted	N.A.	N.A.
A3	Sabreena Ullah Ahmed	None	14.08.23	u/s 323/352/34, IPC	Acquitted	N.A.	N.A.
A4	Sahina Seikh	None	14.08.23	u/s 323/352/34, IPC	Acquitted	N.A.	N.A.

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J U D G M E N T

1. The case of the prosecution, in brief, is that on 16.09.2022 one Samiul Sheikh lodged an *ejahar* with the Officer-in-charge of of Dibrugarh Police Station alleging therein that on 12.09.2022, at about 4:00 PM, after completing his class at D.H.S.K. Law College, the informant was returning to his residence. He stopped near Khaliyamari, Dibrugarh, at an ATM to hand over a mark sheet to his classmate Miss Api Jamoh. At that time, accused Sabrina Ahmed suddenly appeared in front of his vehicle and directed him to come out. When the informant stepped out of the vehicle with the mark sheet in hand, he observed that accused persons Tahmina @ Libi Ahmed and Sahina Ahmed @ Arzil, residents of Padum Nagar, By Lane No. 2, Dibrugarh, were forcibly holding the hand of his classmate. In the meantime, accused Sabrina Ahmed snatched the marksheet from the informant's hand. Immediately thereafter, accused Zafred Ahmed attacked the informant directly on his face with a sharp object, causing grievous injury. Subsequently, all the accused persons, acting together, assaulted the informant repeatedly on his face, neck, and head with the intention of causing his death. On the basis of the *ejahar*, Dibrugarh P.S Case No. 568/2022, U/s.



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326/352/34 of the Indian Penal Code, 1860 (in short 'IPC' hereinafter), was registered.

2. On completion of the investigation the Investigating Officer (in short 'I.O.') laid the charge-sheet against the accused persons namely **Tahmina Ahmed, Zafred Ahmed, Sabreena Ullah Ahmed and Sahina Seikh @ Ahmed** to stand trial for the offence punishable under Sections 323/352/34 of I.P.C.

3. On receiving the case record for disposal cognizance of the offence was taken against the above named accused persons and summons were issued to them. Subsequently, the accused entered their appearance in this case and were allowed to go on execution of P.R. Bond to face trial. Thereafter, copies of the relevant documents pertaining to this case were furnished to the accused persons. Thereafter, considering the relevant documents and upon hearing both the parties, particulars of offences u/s 323/352/34 of IPC were read over and explained to them, to which they pleaded not guilty and claimed to be tried.

4. The Prosecution in support of its case examined 01 (one) witness. Examination of the accused persons under Section 351 of the B.N.S.S. were



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recorded which were of total denial. Defence declined to adduce any evidence.

5. I have heard arguments advanced by the Ld. Counsel for the accused persons as well as the Ld. A.P.P. for the State and also perused the case record carefully.

6. The points for determination are as under:-

I. Whether the accused persons on 12.09.2022, at about 4:00 PM, in furtherance of their common intention, voluntarily caused hurt to the informant and had thereby committed an offence punishable under Section 323/34 of the IPC?

II. Whether the accused persons on the same date, time and place, in furtherance of their common intention, assaulted the informant and had thereby committed an offence punishable under section 352/34 of the IPC?

Discussion of evidence, decision and reasons thereof:

7. The prosecution had examined one witness in support of their case. Now, let me appreciate the evidence of the prosecution witness in the instant case as well as other evidences on record to arrive at a just decision -



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8. The informant/victim (PW1) is the sole witness examined by the prosecution. In his examination-in-chief, PW1 supported the prosecution version to the extent that he alleged that the accused persons had stopped his vehicle, torn the mark sheet and assaulted him, causing injuries. However, during his further cross-examination, PW1 categorically stated that he had earlier deposed under a misunderstanding, that the accused persons had committed no offence, that the dispute had been amicably settled between the parties and that he had no objection if the accused persons were acquitted. He further stated that Api Jamoh also did not wish to proceed with the matter.

9. It is a settled principle of criminal jurisprudence that the evidence of a witness does not become effaced merely because he turns hostile. The Court may rely upon such part of his testimony which is found to be trustworthy and corroborated by other evidence. However, where the witness withdraws the material allegations and there is no independent corroborative evidence on record, it would be unsafe to rely upon the evidence of such witness.

10. In the present case, apart from PW1, no other witness has been examined by the prosecution. Thus, there is no independent evidence available on record to corroborate the initial allegations made by



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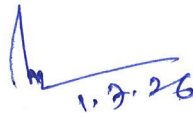
PW1. In the absence of reliable and cogent evidence establishing that the accused persons voluntarily caused hurt or assaulted the informant in furtherance of their common intention, this Court is of the considered opinion that the prosecution has failed to discharge its burden of proof. Accordingly, both the points for determination are answered in the negative. As such, the accused persons are entitled to acquittal.

ORDER



I hereby acquit the accused persons namely **Tahmina Ahmed, Zafred Ahmed, Sabreena Ullah Ahmed and Sahina Seikh @ Ahmed** of the offences under sections 323/352/34, IPC with a direction to set them forth at their liberty.

Given under my hand and seal of this Court on this the 01st day of July, 2026.


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(Nirmal Kumar Laskar)
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APPENDIX

LIST OF PROSECUTION/DEFENCE/COURT WITNESSES

A. Prosecution:

RANK	NAME	NATURE OF EVIDENCE
PW1	SAMIUL SHEIKH	PROSECUTION WITNESS

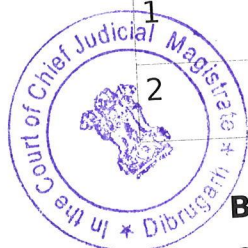
B. Defence Witnesses, if any: NONE.

C. Court Witnesses, if any: NONE.

LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS:

A. Prosecution:

Sl. No.	Exhibit Number	Description
1	Ext. P1/PW1	Ejahaar
2	Ext. P1(1)/PW1	Signature of PW1



B. Defence:

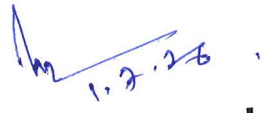
NONE.

C. Court Exhibits:

NONE.

D. Material Objects:

NONE.


CJM, Dibrugarh
Chief Judicial Magistrate
Dibrugarh