

PRC 941/19  
state  
vs  
Aisha Begum

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

**Case No. PRC 941/2019 u/s 498A IPC**

**STATE**

**-Vs-**

**AISHA BEGUM ..... Accused**

Present: RUBINA YASMIN, A. J. S.

Advocates appeared:

Mrs Pritima Devi.....for the State.

Mr. Saiful Haque .....for the accused.

Date of prosecution evidence - 14.2.20

Date of argument - 14.2.20

Date of judgment - 14.2.20

**Judgment**

1. Mrs Eliza Begum initiated the instant case by filing written "ejahar" before the I/c, Doulashal OP on 3.3.19. The Prosecution case in brief is that the accused Aisha Begum is the mother in law of the informant and subsequent to her marriage the accused persons have been subjecting her to physical and mental torture. The accused persons assaulted her on trivial issues. On 2.3.19 at around 6 pm accused persons dragged her by hair and assaulted her.
2. On receipt of the "ejahar" Doulashal OP made GDE No. 41 dtd. 3.3.19

Judgment delivered on 14.2.20

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and forwarded the same to Mukalmua PS for registering a case. Mukalmua PS registered the said GDE as Mukalmua P.S. case No. 107/19 u/s 498A IPC and investigated the matter. On completion of investigation, police filed charge sheet against the accused person Aisha Begum u/s 498A IPC.

3. During trial, the accused persons were allowed to go on bail. Relevant copies of the documents were furnished to the accused person u/s 207 CrPC. Upon perusal of materials on record and after hearing both sides, finding sufficient materials against the accused person u/s 498A IPC accordingly charge was framed. The contents of the charge was read over and explained to the accused person to which she pleaded not guilty and claimed to be tried.
4. Prosecution in support of the case examined 1 witnesses and declined to adduce further evidence. As the informant who is the victim herself has stated no incriminating materials against the accused person hence calling the other witnesses would not raise the merits of the case and hence the prayer for dispensing with the evidence of other witnesses was allowed. Defence side did not examine any witness in support of their defence. The examination of the accused person u/s 313 of CrPC was dispensed with as no incriminating materials were found against him. Defence declined to adduce evidence on his behalf.
5. I have heard argument of both sides.

#### **Points For Determination**

6. Upon hearing and perusal of the record, I have framed the following points for determination:
  - I. Whether the accused person being the mother-in-law of the informant subjected her to physical and mental torture and thereby committed an offence punishable under section 498 A IPC?

#### **Discussions, Decisions and Reasons Thereof**

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7. I have carefully gone through the entire evidence on record and materials placed before me.
8. Pw 1 Eliza Begum who is the informant has deposed in her evidence that she had an altercation with her mother-in-law and later she filed the ejahar . Now she is not willing to proceed with the case as she has amicably settled the matter with her and that she has been residing with her husband in the latter's place.
9. Now on going through the evidence it transpires that the informant/victim has not stated anything incriminating against the accused. In absence of any such circumstances where the Prosecution could prove that the accused person has tortured the victim to such an extent that she tried to commit suicide, sec 498A does not attract to. In result, there is no incriminating materials found against the accused person.
10. Therefore, the vital witnesses examined by prosecution side, have not supported the prosecution case. I, therefore, find that the prosecution has failed to establish the guilt of the accused persons beyond reasonable doubt. Accordingly, accused person Aisha Begum is held not guilty of the offence punishable u/s 498A IPC and accordingly, he is acquitted and set at liberty forthwith.
11. The bail bond furnished on behalf of the accused person shall remain in force for a further period of six months.

Given under my hand and seal of this court on this 14<sup>th</sup> day of February, 2020.

Rubina Yasmin  
J.M.F.C. Nalbari

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**APPENDIX**

**Prosecution witness:**

*PW 1 - Aisha Begum*

**Exhibits:**

*Ex 1 - ejahar*

**Defence witness & Exhibits:**

*Nil*

Rubina Yasmin  
J.M.F.C. Nalbari