

							section 428 of IPC
A-1	Md. Chand Maham mad Ali			U/S 498(A) of IPC	Acquitted	N/A	N/A

APPENDIX-13

Date of offence	23-04-2021 and prior to that since marriage
Date of FIR	24/04/2021
Date of charge-sheet	30/04/2021
Date of framing of charges	03/09/2022
Date of commencement of evidence	09/09/2022
Date on which judgment is reserved	N/A
Date of judgment	09/09/2022
Date of the Sentencing Order, if any	N/A

(J U D G M E N T)

1. The prosecution case sets into motion by filing a FIR by the informant, Musstt. Arjina Begum alleging that about 3 years back from lodging the FIR, the informant married the accused Md. Chand Mahammad Ali and she begotten one girl child out of this wedlock. But on the advice of her mother-in-law,

Musstt. Joygun Bibi the accused started mental and physical torture on the informant by demanding dowry. On 23-04-2021 at 7:30 P.M., the accused Md. Chand Mahammad Ali along with her mother-in-law Musstt. Joygun Bibi assaulted her causing injury to her person. Hence, informant has lodged this case.

- 2.** The Officer-in-charge, Ghograpar Police station, on receipt of the Ejahar registered Ghograpar P.S. Case No. 186/2021, under section 498(A) of IPC R/W Sec. 4 of D.P. Act and endorsed the concerned I/O for investigation. After completion of the investigation, the concerned I/O submitted charge sheet against the accused Md. Chand Mahammad Ali under Section 498(A) of IPC R/W Sec. 4 of D.P. Act.
- 3.** In due course, the accused appeared before the Court and the copies of relevant documents were furnished to him as per section 207 of CrPC. Having found a prima facie case against the accused person, the charge is framed, under Section 498(A) of IPC against the accused person, which is read over and explained to him vide order dated 03.09.2022, to which he pleaded not guilty and claimed to be tried.
- 4.** The prosecution side examined two (02) witnesses. As per the submission of Ld. Assistant Public Prosecutor, further evidence of prosecution side was closed as the informant/victim of the case does not support the prosecution case.

5. The statement of the accused person under section 313 of Cr.P.C. is dispensed with as there are no incriminating materials found against the accused person. Defence side examined no witnesses. I have heard the arguments advanced by the Ld. Counsels for both sides.

6. POINTS FOR DETERMINATION:-

(i) Whether the accused Md. Chand Mahammad Ali, on 23-04-2021 at 7:30 P.M., and prior to that since marriage at Dalbari Koriha, under the jurisdiction of Ghograpar Police Station, being the husband of the informant Musstt. Arjina Begum, subjected her to mental and physical torture by demanding dowry and thereby committed an offence punishable under section 498(A) of I.P.C?

DISCUSSION, DECISION AND REASONS

THEREOF:

7. In the instant case, the prosecution side adduced evidence of two witnesses but none have supported the prosecution story.

8. **PW-1**, Musstt. Arjina Begum, deposed that she is the informant of this case. The accused is her husband. They got married about 4 years back. She has begotten a girl child out of this wedlock. Due to matrimonial dispute, she had misunderstanding. She lodged this case last year. They amicably settled their dispute outside the court. Now, she has been living peacefully with her husband along with her girl

child at her matrimonial house. She has no allegation against the accused. She does not want to proceed with this case by adducing evidence. During cross-examination PW-1 deposed that she has no objection if the accused person gets acquittal in this case.

9. PW-2, Md. Fakaruddin Ahmed deposed that his sister is the informant of this case. The accused is her husband. They got married about 4 years back. She has begotten a girl child out of this wedlock. Due to matrimonial dispute, she had misunderstanding. Informant lodged this case last year. They amicably settled their dispute outside the court. Now, informant has been living peacefully with her husband along with her girl child at her matrimonial house. She has no allegation against the accused. She does not want to proceed with this case by adducing evidence. During cross-examination PW-2 deposed that he has no objection if the accused person gets acquittal in this case.

10. From the evidence of PW-1 (informant/victim) and PW-2, it is seen that they amicably settled their dispute outside the court. Now, informant has been living peacefully with her husband along with her girl child at her matrimonial house. She has no allegation against the accused. Hence, there is nothing in the evidence incriminating against the accused person that he has committed an offence under section-498(A) of IPC.

- 11.** Situated thus, in my considered opinion the prosecution side has failed to bring home the guilt of the accused person Under Section 498(A) of IPC as the informant/victim of the case has not supported the prosecution story.

CONCLUSION

- 12.** The prosecution side failed to prove its case that accused has committed an offence u/s 498(A) of IPC.

ORDER

In the light of aforesaid discussions and reasons, it is seen that the prosecution side failed to prove the guilt of the accused person beyond reasonable doubt.

Accordingly, the accused Md. Chand Mahammad Ali is acquitted from the offence under section 498(A) of IPC and he is set at liberty forthwith.

The bail bond of the accused person and his surety shall remain in force for a period of 6 months from today as per amended Cr.P.C.

Given under my hand and seal of this court on this 09th day of September, 2022.

Sri Jayanta Kumar Saikia
Addl. Chief Judicial Magistrate
Nalbari

APPENDIX-14**LIST OF PROSECUTION/ DEFENCE/ COURT WITNESSES****A. Prosecution witness**

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
PW-1	Musstt. Arjina Begum	Informant/victim
PW-2	Md. Fakaruddin Ahmed	Other witness

B. Defence witnesses, if any: NOT APPLICABLE

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
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C. Court witnesses, if any: NOT APPLICABLE

RANK	NAME	NATURE OF EVIDENCE
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		(EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
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LIST OF PROSECUTION/ DEFENCE/ COURT EXHIBITS

A. Prosecution: NOT APPLICABLE

Sr. No.	Exhibit Number	Description
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B. Defence: NOT APPLICABLE

Sr. No.	Exhibit Number	Description
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C. Court Exhibits: NOT APPLICABLE

Sr. No.	Exhibit Number	Description
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D. Material Objects: Not applicable

Sr. No.	Exhibit Number	Description
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Sri Jayanta Kumar Saikia
Addl. Chief Judicial Magistrate
Nalbari