



							purpose of section 428 of IPC
A-1	Md. Soleman Ali			U/S 498 of IPC	Acquitted	N/A	N/A

## APPENDIX-13

Date of offence	After marriage
Date of FIR	20/06/2019
Date of charge-sheet	28/06/2019
Date of framing of charge	23/09/2022
Date of commencement of evidence	26/09/2022
Date on which judgment is reserved	27/09/2022
Date of judgment	27/09/2022
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. Tasiron Khatun stating that she got married to the accused Md. Soleman Ali and since then the accused persons namely Md. Soleman Ali, Md. Asmat Ali and Musstt. Kadbhanu Begum assaulted her physically and mentally by demanding dowry. Hence, she has lodged this case.

2. The Officer-in-charge, Sialmari Police station, on receipt of the Ejahar registered Sialmari P.S. Case No. 08/2019, Under Section 498(A) of IPC and endorsed the concerned I/O for investigation. After completion of the investigation, the concerned I/O submitted charge sheet against the accused person, Md. Soleman Ali under Section 498(A) of IPC.
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 Cr.P.C. Formal charge U/S 498(A) of IPC is framed and the same is read over and explained to the accused person to which he pleaded not guilty and claimed to be tried.
4. The prosecution, in support of its case, examined one (01) witness. The Learned Assistant Public Prosecutor prayed to close the PW evidence as the principal witness, who is the informant/victim of the case does not support the prosecution case.
5. The statement of the accused person under section 313 of CrPC is dispensed with as there are no incriminating materials found against the accused person. Defence side examined no witnesses.
6. I have heard the arguments advanced by the Learned Counsels for both sides.

**7. POINTS FOR DETERMINATION:-**

- (i) *Whether the accused person, being husband of the informant Musstt. Tasiron Khatun at village*

*Kurihamari under the jurisdiction of Sialmari P.S. subjected her to cruelty which was of such a nature as to cause grave injury to her life and limb and coerced her to meet un;awful dowry demand and thereby committed an offence punishable u/s 498(A) of IPC?*

**DISCUSSION, DECISION AND REASONS THEREOF:**

- 8.** In the instant case, the prosecution side adduced the evidences of one witness who is the informant/victim of the case.
- 9.** From the evidence of **PW1**, Musstt. Tasiron Khatun, it is seen that the accused is her husband. They got married 3 years back. She has begotten one child out of this wedlock. Due to misunderstanding she lodged this case, but now she has no grievance against the accused person and she is living peacefully along with her husband and her minor child in her matrimonial house. During cross-examination PW-1 deposed that she has no allegation against the accused. She has no objection if the accused gets acquittal in this case.
- 10.** From the evidence of PW1 (informant/victim), it is seen that she has no allegation against the accused person and the case is lodged due to misunderstanding. Thus, 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 Md. Soleman Ali under section 498(A) of IPC as the informant/victim of the case did not support the prosecution story.

### **CONCLUSION**

The prosecution side failed to prove its case that accused has committed 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.

Accordingly, the accused person, Md. Soleman Ali is acquitted from the offence under section 498(A) of IPC and 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 CrPC.

**Given under my hand and seal of this court on this 27<sup>th</sup> day of September, 2022.**

Sri Jayanta Kumar Saikia  
Addl. Chief Judicial Magistrate  
Nalbari

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

<b>RANK</b>	<b>NAME</b>	<b>NATURE OF EVIDENCE</b> (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
PW-1	Musstt. Tasiron Khatun	Informant

**B. Defence witnesses, if any: NOT APPLICABLE**

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

<b>RANK</b>	<b>NAME</b>	<b>NATURE OF EVIDENCE</b> (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**

<b>Sr. No.</b>	<b>Exhibit Number</b>	<b>Description</b>
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**B. Defence: NOT APPLICABLE**

<b>Sr. No.</b>	<b>Exhibit Number</b>	<b>Description</b>
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**C. Court Exhibits: NOT APPLICABLE**

<b>Sr. No.</b>	<b>Exhibit Number</b>	<b>Description</b>
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**D. Material Objects: Not applicable**

<b>Sr. No.</b>	<b>Exhibit Number</b>	<b>Description</b>
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Sri Jayanta Kumar Saikia  
Addl. Chief Judicial Magistrate  
Nalbari