

IN THE COURT OF SUB DIVISIONAL JUDICIAL MAGISTRATE (S),
MORIGAON

G. R. Case No: 911/2015

Under section 498A of Indian Penal Code

State

Vs

Md. Shahjahan Ali

.....**Accused person**

Present: Lohit Kurmar Sarmah, SDJM(S), Morigaon

Advocates appeared

For the state: Mrs. B. Devi

For the accused persons: Mr. Jiaur Rahman

Evidence recorded on: 15/10/19.

Argument heard on: 11/11/2019

Judgment delivered on: 11/11/2019

JUDGMENT

1. The brief of the prosecution case is that on 21/4/15 Ms. Hasina Begum filed an ejahar against the accused persons Shahjahan Ali, Faizul Haque, Hasina Begum, Azaharul and Jonmoni Khatun before the officer in charge Borchala out post alleging inter alia that on 1/1/13 she was married to Shahjahan Ali. The accused persons started to torture her after some days of the marriage. On 15/12/14 she was compelled to leave the society of her husband and took shelter in her father`s house. During the period her husband entered into second marriage.
2. The ejahar was received and registered as Lahorighat Police Station case No. 198/15 under section 498A of the Indian Penal Code and after due

investigation police submitted charge sheet against the accused person Md. Shahjahan Ali under section 498A of the Indian Penal Code and accordingly cognizance of the offences is taken and processes were issued to the accused person.

3. On receipt of summons the accused person Shahjahan Ali appeared before the court and entered trial. Copies of all the relevant documents were furnished to the accused person as per requirement of section 207 of Cr.P.C. After hearing the Id. Counsel for both the sides' a formal charge was framed and the particulars of offence under section 498A of the Indian Penal Code were read over and explained to the accused person to which he pleaded not guilty and claimed to be tried.
4. In support of its case, prosecution examined one witness who was duly cross-examined. On seeing the trend of deposition prosecution prayed for closure of its evidence. After closure of evidence of prosecution side statement under section 313 of Cr.P.C. was recorded of the accused person. Defence side adduced no evidence and pleaded for total denial. Heard the arguments put forth by the learned counsels for both the sides and also gone through the Case Record thoroughly.

5. **POINTS FOR DETERMINATION:**

Whether the accused person on 19/12/14 and earlier being the husband of Hasina Begum tortured her physically and mentally and thereby committed an offence punishable under Section 498A of the Indian Penal Code?

6. I have heard the oral arguments put forward by both the Counsels. I have also gone through the entire evidence available on record. My discussion and reasons for the decision are discussed below.

7. **DISCUSSION, DECISION AND REASONS THEREOF:**

PW1, Hasina Begum who is the complainant cum victim deposed that there was some arguments between them due to some domestic matter. She filed this case out of misunderstanding. They had already compromised the dispute and living peacefully. During cross examination she stated that he had no objection if the accused were released. In view of the deposition of the

informant and the only key witness, prosecution rightly chose to close its evidence. There is no evidence at all against the accused person. Hence the prosecution is failed to prove the ingredients of the offence under section 498A of the Indian Penal Code beyond reasonable doubt to bring the accused person to book under the said provision of law.

Therefore, the point for determination is decided in negative and in favour of the accused person.

Order

8. In view of the above, it is held that the prosecution has failed to establish the charges under section 498A of the Indian Penal Code against the accused person Shahjahan Ali beyond reasonable doubt. Accordingly the accused person is found not guilty and is acquitted of the alleged offences labelled against him and set at liberty forthwith.
9. Bail bonds and affidavits submitted by the bailor are extended for a period of six months as per amended Cr.P.C.
Given under the hand and seal of this court on the 11th day of November, 2019 at Morigaon.

Lohit Kumar Sarmah
SDJM(S), Morigaon

APPENDIX

Complainant`s witnesses:

PW1- Hasina Begum (informant)

Exhibits for the complainant:

Ext. 1 – Ejahar

Defence witness :

Nil

Exhibits for defence:

Nil

Lohit Kumar Sarmah
SDJM(S), Morigaon