

DISTRICT: MORIGAON

IN THE COURT OF ADDL. CHIEF JUDL.MAGISTRATE,

MORIGAON::::::::::ASSAM.

GR Case No. 1429 of 2017

u/s 498(A)/363/34 of IPC.

PROSECUTOR: STATE OF ASSAM

-VS.-

ACCUSED: (I) MD. RAJIQUL ISLAM

(II) MUSSTT. JYOTSNARA KHATUN

Present : Smti. S. Acharyya, AJS,
Addl. Chief Judicial Magistrate,
Morigaon.

APPEARANCE:

For the State : Mr. P. Hazarika, Ld. Addl. Public Prosecutor.
For the accused person : Mr. M. Rahman, Learned Advocate.
Charge framed on : 17.04.2019.
Evidence recorded on : 05.07.2019 & 22.11.2019.
Argument heard on : 22.11.2019.
Judgment delivered on : 26.11.2019.

J U D G M E N T

1. The prosecution case in brief is that the informant Musstt. Rahima Khatun lodged an ejahar stating inter alia that she got married with accused Rajiqul Islam at about 2 years back and out of their wedlock one girl child was born. That her husband started to inflict physical and mental torture upon her demanding dowry of Rs. 50,000/- and at about 8 months back she was driven out from her matrimonial house after being assaulted along with child. That the accused persons kidnapped her younger sister Musstt. Almina Khatun. Hence the case.

2. On receipt of the 'ejahar' at the police station, the same was

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registered as Moirabari P.S. Case No. 238/2017 and the matter was investigated upon.

3. After completion of investigation police filed a charge-sheet against the accused persons Md. Rajiquil Islam and Musstt. Jyotsnara Khatun under section 498(A)/363 IPC.

4. On appearance of the accused persons, they were allowed to go on bail. Relevant documents of the case were furnished to them. Finding materials, charges under section 498(A)/363/34 IPC has been framed, read over and explained to the accused persons to which, they pleaded not guilty and claimed to be tried.

5. The prosecution in support of its case examined three witnesses. Whereas, the defence side has not examined any witness in support of its defence.

6. The examination under section 313 Cr.P.C. of the accused persons is dispensed with as found not necessary.

7. I have heard the argument advanced by the learned counsels for both sides.

8. Upon hearing and on perusal of the record I have framed the following point for determination:

(i) Whether the accused persons, being the husband and relative of husband of Musstt. Rahima Khatun at Hatimuria village under PS Moirabari, Dist.-Morigaon in furtherance of common intention subjected her to cruelty since her marriage by inflicting physical and mental torture upon her demanding dowry and thereby committed an offense punishable U/S 498(A) of IPC?

(ii) Whether the accused persons, on same place in furtherance of common intention kidnapped Almina Khatun from her guardian and thereby committed an offense punishable U/S 363/34 of IPC?

DISCUSSION, DECISIONS AND REASONS FOR THE DECISIONS:

9. For convenience of discussion and for the sake of brevity, I am discussing both the points together.

10. PW1 Musstt. Rahima Khatun, who is the informant-cum-victim inter alia deposed that she instituted the case because of domestic quarrel. PW2 Musstt. Almina Khatun, who is the victim and PW3 Musstt. Jarina Khatun, who is the mother of PW1 & PW2 inter alia deposed that PW1 instituted this case because of misunderstanding. PW1, PW2 & PW3 stated that presently they have no allegation against the accused persons and they have no objection, if the accused persons are acquitted. PW1 exhibited the ejahar as Ext.1 and her signature as Ext.1(1).

11. I have carefully gone through the evidence on record. From the evidences it appears that PW1, who is the informant-cum-victim, PW2, who is the victim and PW3 who is the mother of PW1 & PW2 have not supported the prosecution case, as stated in the ejahar. In the result, there is no incriminating evidence against the accused persons.

12. In view of above discussion, the accused persons Md. Rajiquil Islam and Musstt. Jyotsnara Khatun are acquitted of charge U/S 498(A)/363/34 of IPC and set at liberty forthwith.

13. Bail bond shall remain in force for next six months.

14. The case is disposed of on contest.

15. Given under my hand and seal, today, the 26th day of November, 2019.

Dictated and corrected
by me.

S. ACHARYYA
Addl Chief Judicial Magistrate
Morigaon.

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Addl Chief Judicial Magistrate
Morigaon.

Dictation taken and
transcribed be me.

Computer Typist.

APPENDIX:

Prosecution witness:

PW1- Musstt. Rahima Khatun

PW2- Musstt. Almina Khatun

PW3- Musstt. Jarina Khatun

Prosecution exhibits:

Ext.1-Ejahaar

Defence witness:

Nil.

Defence exhibit:

Nil.

Dictated and corrected
by me.

S. ACHARYYA
Addl Chief Judicial Magistrate
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