

IN THE COURT OF JUDICIAL MAGISTRATE FIRST CLASS, MORIGAON

G.R. Case No: 2393 of 2014

U/s 498-A, IPC

State

Vs

Anarul Islam

.....Accused person

Present: A Shravan, A.J.S.

Evidence recorded on : 13.11.2019
Arguments heard on : 13.11.2019
Judgment delivered on : 13.11.2019
For the Prosecution : Assistant Public Prosecutor, Smt. L. Gohain
For the Defence : Learned Counsel, Md. Abdus Salam

Judgment

- 1.** The case of the prosecution in brief is that the informant, Musstt. Parbin Sultana lodged an *ejahar* on 22.11.2014 stating *inter alia* that the accused subjected the informant to mental and physical cruelty in order to fulfill his unlawful demand or dowry. Hence, the case.
- 2.** On receipt of the *ejahar*, the Officer in Charge of Moirabari Police Station registered Moirabari P.S. Case No-204/2014 under sections 498-A, I.P.C. and started investigation. The police after investigation submitted charge sheet against the accused person, Md. Anarul Islam under section 498-A of I.P.C.
- 3.** On appearance of the accused person, copies were furnished to him under section 207 of Cr.P.C. and after hearing and perusal, formal charges under sections 498-A, IPC was framed against the accused, Anarul Islam, which was explained to him to which he pleaded not guilty and claimed to be tried.

4. The prosecution side to prove its case examined the informant, Parbin Sultana as PW-1 and exhibited the *ejahar* as Ext-1. The statement of the accused person under section 313, Cr.P.C. was not recorded as no incriminating materials have been found against him. I have heard both the learned Assistant Public Prosecutor and the learned counsel for the accused person.

5. **POINTS FOR DETERMINATION:-**

I. Whether the accused person being the husband of the victim subjected her to cruelty in demand of dowry and thereby committed an offence u/s 498(A) of I.P.C.?

DISCUSSIONS, DECISIONS AND REASONS THEREOF:-

6. In the course of the evidence adduced by the prosecution, it emerged that the informant/victim, Musstt. Parbin Sultana, who was examined as PW-1 did not support the prosecution story. She stated that there was a minor altercation between the accused person and herself and the matter has already been reconciled with the accused person with the intervention of the village people. Further stated that she has no objection, if the accused person is acquitted of the case.

7. From the evidence of the prosecution witness, it appears that the informant/victim is not inclined to prosecute the accused person. The prosecution is failed to prove the ingredients of the offences as alleged against the accused person. Thus, from the little evidence that has been brought before this court in the form of the statements made by the witness, it is seen that no offence has been made out against the accused person under any section of law. Situated thus, it is found that the prosecution has failed to implicate the accused persons of any offence.

8. **ORDER**

Considering the discussions made above and after all deliberations, it can be safely presumed that the prosecution has failed to drive home the guilt of

the accused person. Hence, the accused person, **Md. Anarul Islam** is acquitted of the offence under sections 498-A, of the Indian Penal Code and set at liberty forthwith.

His bail bonds are extended for a period of 6 (Six) months from today as per Section 437 A, Criminal Procedure Code.

Given in my hand and under the seal of this court on this the 13th day of November, 2019.

Typed by Me:

Ayushree Shravan
Judicial Magistrate First Class, Morigaon

APPENDIX

Prosecution Witnesses :

PW-1: Musstt. Parbin Sultana

Defence Witnesses :

None

Prosecution Exhibits :

Ext-1: *ejahar*

Defence Exhibits :

None.

Judicial Magistrate First Class
Morigaon, Assam