

DISTRICT: MORIGAON

IN THE COURT OF ADDL. CHIEF JUDL.MAGISTRATE,

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

PRC Case No. 213 of 2019

U/S 498(A) of IPC.

PROSECUTOR: STATE OF ASSAM

-VS.-

ACCUSED: MD. KAIMUL ISLAM

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

APPEARANCE:

For the State : Mr. P. Hazarika, Learned Addl. Public Prosecutor.
For the accused person : Mrs. N. Bordoloi, Ld. counsel.
Charge framed on : 19.11.2019
Evidence recorded on : 29.11.2019
Argument heard on : 29.11.2019.
Judgment delivered on : 29.11.2019.

J U D G M E N T

1. The prosecution case in brief is that the informant Musstt. Gul Nahar Begum lodged an ejahar stating inter alia that she got married to the accused person Md. Kaimul Islam at about 6 years back and out of their wedlock two girls were born. That the accused person demanded cash amount from her for LIC installment and assaulted her. Ultimately, on 30.8.2018, at about 10.00 PM, the accused person assaulted her and drove her out from her matrimonial house. Hence the case.

2. On receipt of the 'ejahar' at the police station, the same was registered as Laharighat P.S. Case No. 249/2019 and the matter was investigated upon.

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3. After completion of investigation police filed a charge-sheet against the accused person Md. Kaimul Islam under section 498(A) IPC.
4. On appearance of the accused person, he was allowed to go on bail. Relevant documents of the case were furnished to him. Upon perusal of materials on record and after hearing both sides, charge under section 498(A) IPC has been framed, read over and explained to the accused person to which he pleaded not guilty and claimed to be tried.
5. The prosecution in support of its case examined one witness. 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 person 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 person, despite being the husband of Musstt. Gul Nahar Begum at Borkhabol village under PS Laharighat, Dist.-Morigaon subjected her to cruelty since her marriage by inflicting physical and mental torture upon her demanding money and thereby committed an offense punishable U/S 498(A) of IPC?

DISCUSSION, DECISIONS AND REASONS FOR THE DECISIONS:

9. PW1 Musstt. Gul Nahar Begum, who is the informant cum victim inter alia deposed that she instituted the case because of misunderstanding and presently she has no allegation against the accused person and she has no objection, if the accused person is acquitted and she does not want to proceed with the case. PW1 exhibited the ejahar as Ext.1 and her signature as Ext.1(1).
10. I have carefully gone through the evidence on record. From the evidence it appears that PW1, who is the informant cum victim has not

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supported the prosecution case, as stated in the ejahar. In the result, there is no incriminating evidence against the accused person.

11. In view of above discussion, the accused Md. Kaimul Islam is acquitted of charge U/S 498(A) of IPC and set at liberty forthwith.

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

13. The case is disposed of on contest.

14. Given under my hand and seal, today, the 29th 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. Gul Nahar Begum

Prosecution exhibits:

Ext.1- Ejahar.

Defence witness:

Nil.

Defence exhibit:

Nil.

Dictated and corrected
by me.

S. ACHARYYA
Addl Chief Judicial Magistrate
Morigaon.

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