

DISTRICT: MORIGAON

IN THE COURT OF ADDL. CHIEF JUDL.MAGISTRATE,

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

PRC Case No. 483 of 2019

U/S 498(A)/323 of IPC.

PROSECUTOR: STATE OF ASSAM

-VS.-

ACCUSED: MD. IBRAHIM ALI

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. I. Shahnaz, Learned Advocate.
Charge framed on : 04.11.2016
Evidence recorded on : 21.11.2019.
Argument heard on : 21.11.2019.
Judgment delivered on : 21.11.2019.

J U D G M E N T

1. The prosecution case in brief is that the informant Musstt. Ajija Khatun lodged an ejahar stating inter alia that she got married to the accused person Md. Ibrahim Ali socially and out of their wedlock three children were born. That on 15.11.2018, at about 12.00 PM, the accused person assaulted her. Hence the case.

2. On receipt of the 'ejahar' at the police station, the same was registered as Laharighat P.S. Case No. 406/2018 and the matter was investigated upon.

3. After completion of investigation police filed a charge-sheet against the accused person Md. Ibrahim Ali under section 498(A) IPC.

Contd....

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)/323 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. Ajija Khatun at Nagabandha 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?

(ii) Whether the accused person, on 15.11.2018, at about 12.00 PM, at the same place voluntarily caused hurt to Musstt. Ajija Khatun and thereby committed an offense punishable U/S 323 of IPC?

DISCUSSION, DECISIONS AND REASONS FOR THE DECISIONS:

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

10. PW1 Musstt. Ajija Khatun, who is the informant cum victim inter alia deposed that she instituted the case because of domestic quarrel 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).

11. I have carefully gone through the evidence on record. From the evidence it appears that PW1, who is the informant cum victim has not supported the prosecution case, as stated in the ejahar. In the result, there is no incriminating evidence against the accused person.

12. In view of above discussion, the accused Md. Ibrahim Ali is acquitted of charge U/S 498(A)/323 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 21st day of November, 2019.

Dictated and corrected
by me.

S. ACHARYYA
Addl Chief Judicial Magistrate
Morigaon.

S. ACHARYYA
Addl Chief Judicial Magistrate
Morigaon.

Dictation taken and
transcribed be me.

Computer Typist.

APPENDIX:

Prosecution witness:

PW1- Musstt. Ajija Khatun

Prosecution exhibits:

Ext.1- Ejahar.

Defence witness:

Nil.

Defence exhibit:

Nil.

Dictated and corrected
by me.

S. ACHARYYA
Addl Chief Judicial Magistrate
Morigaon.

S. ACHARYYA
Addl Chief Judicial Magistrate
Morigaon.

Dictation taken and
transcribed be me.

Computer Typist.