

DISTRICT: MORIGAON

IN THE COURT OF ADDL. CHIEF JUDL.MAGISTRATE,

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

PRC Case No. 955 of 2018

U/S 498(A) of IPC.

PROSECUTOR: STATE OF ASSAM

-VS.-

ACCUSED: MD. ATABUR RAHMAN

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. R. Amin, Learned Advocate.
Charge framed on : 03.04.2019
Evidence recorded on : 13.09.2019 & 04.11.2019.
Argument heard on : 04.11.2019.
Judgment delivered on : 04.11.2019.

J U D G M E N T

1. The prosecution case in brief is that the informant Musst. Jahara Begum lodged an ejahar stating inter alia that she got married to the accused person Md. Atabur Rahman at about 8 years back. The accused person has been inflicting physical and mental torture upon her since her marriage demanding dowry and he has illicit relationship with other women. Finally on 31.07.2018, at about 12.00 AM, she was assaulted and somehow she saved her life. Hence the case.

2. On receipt of the 'ejahar' at the police station, the same was registered as Jagiroad P.S. Case No. 289/2018 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. Atabur Rahman 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 two 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 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, being the husband of Musstt. Jahara Begum at Nellie village under PS Jagiroad and Dist.-Morigaon subjected her to cruelty since her marriage by inflicting physical and mental torture upon her demanding dowry and cash amount and thereby committed an offense punishable U/S 498(A) of IPC?

DISCUSSION, DECISIONS AND REASONS FOR THE DECISIONS:

9. PW1 Musstt. Rukia Begum inter alia deposed that she knows nothing about the case and Jahara is not staying with the accused person Atabur Rahman. PW2 Musstt. Jahara Begum, who is the informant cum victim inter alia deposed that she instituted this 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. She exhibited the ejahar as Ext.1 and her signatures as Ext.1(1).
10. I have carefully gone through the evidence on record. From the evidence it appears that PW2, 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. Atabur Rahman 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 4th 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- Md. Rukia Begum

PW2- Musstt. Jahara 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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