

DISTRICT: MORIGAON

IN THE COURT OF ADDL. CHIEF JUDL. MAGISTRATE,

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

PRC Case No. 925 of 2019

U/S 498(A) of IPC

PROSECUTOR: STATE OF ASSAM

-VS.-

ACCUSED: MD. ABDUL BASIT

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

**APPEARANCE:**

For the State : Mr. D. Nath, Learned Asst. Public Prosecutor.  
For the accused person : Mr. D. Ahmed, Ld. Advocate.  
Charge framed on : 14.11.2019.  
Evidence recorded on : 06.01.2020.  
Argument heard on : 06.01.2020.  
Judgment delivered on : 06.01.2020.

**J U D G M E N T**

**1.** The prosecution case in brief is that the informant Musst. Mousumi Begum lodged a complaint in the court stating inter alia that she got married with the accused Md. Abdul Basit at about 11 years back. That after 3/4 years of their marriage, her husband used to inflict mental and physical torture upon her demanding dowry and cash amount. That from their wedlock one male child and one female child were born. Ultimately on 04.08.2018, her husband assaulted her and drove her out. Hence the case. The complaint petition was forwarded to Morigaon PS for registration and investigation.

**2.** On receipt of the 'ejahar' at the police station, the same was  
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registered as Morigaon P.S. Case No. 17/19 and the matter was investigated upon.

**3.** After completion of investigation police filed a charge-sheet against the accused person Md. Abdul Basit 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, being the husband of Musstt. Mousumi Begum at Jaluguti Julaigaon village under PS Morigaon 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. Mousumi Begum, who is the informant cum victim inter alia deposed that she instituted the case due to 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 signatures as Ext.1(1) & Ext.1(2).

**10.** I have carefully gone through the evidence on record. From the

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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.

**11.** In view of above discussion, the accused Md. Abdul Basit 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 6<sup>th</sup> day of January, 2020.

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. Mousumi 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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