

**IN THE COURT OF SUB DIVISIONAL JUDICIAL MAGISTRATE (S) AT  
MORIGAON**

G.R. Case No.1152/16

Under section- 498(A) of the Indian Penal Code

**State of Assam**

Versus

**Md. Nur Jamal Ahmed**

S/O- Md. Abul Kashem

Village: Kathani, P.S- Laharighat, Dist. Morigaon, Assam

.....Accused person

**Present: Lohit Kumar Sarmah, SDJM(S), Morigaon**

For the Prosecution: Ms. B. Devi, APP

For the Defence: Ms. S. K. Mukta, Advocate

Evidence recorded on: 16.10.2019

Argument heard on: 16.10.2019

Judgment delivered on: 16.10.2019

**JUDGMENT**

1. The informant Musstt. Samsun Nehar lodged an ejahar before Laharighat PS on 17.5.2016. The brief of the case is that the accused is her husband. Soon after their marriage the accused had been torturing the informant physically and mentally in demands of dowry cash. With no options left she brought cash from her father and paid Rs.50000/- to the accused. The accused again demanded dowry cash and tortured the informant. Around 12 days prior to filing the ejahar the accused contracted second marriage with Habija Begum and started torturing the informant again. On 16.5.2016 at around 2 am the accused came to her bedroom and tried to kill her by strangulating her neck but she somehow escaped from there and stayed the whole night outside her room. Then on 17.5.2016 at around 4.30 she took shelter in the house of village head Md. Khalilur Rahman and informed her parents. The local police rescued her from the house of Khalilur Rahman. Hence the informant had filed this case.
2. The ejahar was received and registered as Laharighat police station case No.219/2016 under sections 143/341/498(A)/307 of the Indian Penal Code.
3. **The Investigating Officer after due investigation of the case submitted charge sheet under section 498(A) of the Indian Penal Code against the accused Md. Nur Jamal Ahmed.**

4. The copies of the relevant documents were furnished to accused in accordance with section 207 of the Cr.P.C.
5. During trial, formal charge under section 498(A) of the Indian Penal Code was framed which was read over and explained to the accused person to which he pleaded not guilty and claimed to be tried.
6. The prosecution has examined only one witness i.e. the informant-cum-victim. The examination of the accused person under section 313 Cr.P.C was recorded. The plea of the accused person is in total denial and he has declined to adduce evidence in his defence.
7. I have heard arguments from the learned APP and the learned defence counsel and perused the records of the case in a meticulous manner. The points of determination in the case are:
  - i) Whether the accused being the husband of Musstt. Samsun Nehar subjected her to cruelty in demand of dowry cash and kind on 16.5.2016 and on earlier dates and thereby committed offence u/s 498-A IPC?

**DISCUSSION, DECISION AND REASONS THEREOF:**

8. PW-1 Musstt. Samsun Nehar who is the informant-cum-victim deposed that she filed this instant case against her husband. She got married to the accused socially. On the day of incident, PW1 had some verbal altercation with the accused and this case was filed out of misunderstanding. As they started living as husband and wife together hence she does not want to proceed with this case anymore. Ext-1 is the ejahar where Ext-1(1) is her signature. In cross-examination PW1 stated that she does not have any objection if the accused is acquitted of this case.
9. From the deposition of PW1 it appears that there is nothing incriminating against the accused. PW1 who is the victim herself did not support the case. In her deposition she stated that now she does not want to proceed with the case and has no objection if the accused person is acquitted of the case. Now she has been living peacefully with the accused as husband and wife. Further PW1 has not at all implicated the accused Md. Nur Jamal Ahmed under section 498(A) of the Indian Penal Code.

10. In view of the above it is held that the prosecution has failed to establish the offence u/s 498(A) of the Indian Penal Code against accused. Accordingly accused Md. Nur Jamal Ahmed is acquitted of the alleged offence labelled against him and set at liberty forthwith.
11. Bail bond and affidavit submitted by the bailor is extended for a period of six months as per amended Cr.PC.

Given under the hand and seal of this Court on this the 16<sup>th</sup> day of October, 2019, at Morigaon.

Lohit Kumar Sarmah  
SDJM(S), Morigaon, Assam

**APPENDIX**

**Prosecution witnesses:**

PW1- Musstt. Samsun Nehar (informant-cum-victim)

**Exhibits for the prosecution:**

Ext-1: Ejahar

**Defence witness:**

Nil

**Exhibits for defense:**

Nil

Lohit Kumar Sarmah  
SDJM(S), Morigaon.