

IN THE COURT OF JUDICIAL MAGISTRATE FIRST CLASS, MORIGAON

G.R Case No: 1860 of 2015

U/s 498-A, IPC

State

Vs

Md. Mufassal Hoque

.....Accused

Present: A Shravan, A.J.S.

Evidence recorded on : 25.03.2019
Arguments heard on : 25.03.2019
Judgment delivered on : 25.03.2019
For the Prosecution : Assistant Public Prosecutor, Smti. L. Gohain
For the Defence : Learned Counsel Md. Zahirul Islam

Judgment

- 1.** The case of the prosecution in brief is that the informant, Musstt. Jinnara Begum lodged an *ejahar* on 14.08.2015 stating *inter alia* that she got married with the accused, Md. Mufassal Hoque twelve years back socially. During her marriage, she was given all the necessary articles along with furniture's as well as cash worth Rs.25,000/-. However, the accused still physically and mentally tortured her demanding Rs.50,000/-. On 13.08.2015 at about 8 a.m. the accused beat her up and drove her out of his house along with her children. He also threatened to kill her. Hence, the case.
- 2.** On receipt of the *ejahar*, the Officer in Charge of Moirabari Police Station registered Moirabari P.S. Case No.189/15 under sections 498-A/307, I.P.C. and started investigation. The police after investigation submitted charge sheet against the accused person under sections 498-A of I.P.C.
- 3.** On appearance of the accused person, copies were furnished to him under section 207 Cr.P.C. and after hearing and perusal, formal charges under

sections 498-A, IPC was framed, which was explained to him to which he pleaded not guilty and claimed to be tried.

4. The prosecution side to prove its case examined the informant/victim, Jinnara Begum, as PW-1. The statement of the accused person under section 313, Cr.P.C. was recorded. The accused denied the case and declined to adduce evidence. I have heard both the learned Assistant P.P. and the learned counsel for the accused person.

5. **POINTS FOR DETERMINATION:-**

I. Whether the accused person being the husband of the victim subjected her to cruelty and thereby committed an offence u/s 498(A) of I.P.C.?

DISCUSSIONS, DECISIONS AND REASONS THEREOF:-

6. PW 1, Jinnara Begum, the informant/ victim has deposed in her evidence that the instant case is nothing but the outcome of misunderstanding between herself and the accused/ her husband and that presently, both of them are residing together along with their three children. She further deposed that she has no resentment against the accused person and that she is residing happily with the accused person along with her three children.

7. From the evidence of the prosecution witness, it appears that the informant is not inclined to prosecute the accused person. It has become apparent that there must have been some minor altercation between the informant and the accused person. However, the same appears to have been resolved. Thus, from the little evidence that has been brought before this court in the form of the statements made by the informant, it is seen that no offence has been made out against the accused persons under any section of law. Situated thus, it is found that the prosecution has failed to implicate the accused persons of any offence.

8.

ORDER

Considering the discussions made above and after all deliberations, it can be safely presumed that the prosecution has failed to drive home the guilt of the accused persons. Hence, the accused person, Md. Mufassal Hoque is acquitted of the offence under sections 498-A, of the Indian Penal Code and set at liberty forthwith.

His bail bonds are extended for a period of 6 (Six) months as per Section 437 A, Criminal Procedure Code.

Given in my hand and under the seal of this court on this the 25th day of March, 2019.

Typed by Me:

Ayushree Shravan
Judicial Magistrate First Class, Morigaon

APPENDIX

Prosecution Witnesses :

PW-1: Musstt. Jinnara Begum, the informant

Defence Witnesses :

None

Prosecution Exhibits :

Ext-1: *Ejaha*

Defence Exhibits :

None.

Judicial Magistrate First Class
Morigaon, Assam