

DISTRICT: MORIGAON

IN THE COURT OF ADDL. CHIEF JUDL.MAGISTRATE,

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

GR Case No. 1866 of 2014

U/S 498(A) of IPC.

PROSECUTOR: STATE OF ASSAM

-VS.-

ACCUSED: MD. JIARUL RAHMAN

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

APPEARANCE:

For the State : Mr. P. Hazarika, Learned Addl. Public Prosecutor.
For the accused person : Mr. M. Rahman, Learned Advocate.
Charge framed on : 18.04.2017.
Evidence recorded on : 05.03.2018, 18.05.2018 & 20.06.2019.
Argument heard on : 20.06.2019.
Judgment delivered on : 28.06.2019.

J U D G M E N T

1. The prosecution case in brief is that the informant Musstt. Anuwara Begum lodged a complaint in the court stating inter alia that she got married to accused Md. Jiarul Hoque at about 10 years back as per social rites and customs. That after passing 5 months of her conjugal life with the accused person, the accused persons started to inflict physical and mental torture upon her demanding dowry of cash amount of Rs. 1,00,000/-. But thereafter, on 4.8.2014 matter has been amicably settled and accused persons have taken back the complainant to their house. But on the same night, the accused persons again assaulted her demanding Rs. 1,00,000/-. That on the next morning the complainant fled away from the house of the accused persons to save herself. Hence the case. The complaint petition was

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forwarded to Laharighat PS for investigation.

2. On receipt of the 'ejahar' at the police station, the same was registered as Laharighat P.S. Case No. 295/2014 and the matter was investigated upon.

3. After completion of investigation police filed a charge-sheet against the accused Md. Jiarul 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 in writing, 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 three witnesses. Whereas, the defence side has not examined any witness in support of its defence.

6. The statement under section 313 Cr.P.C. of the accused person is recorded. He denied all the allegations.

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 the informant Musstt. Anuwara Begum, subjected her to cruelty after 5 months of her marriage and on 4.8.2014 by demanding dowry of Rs. 1,00,000/- and thereby committed an offense punishable U/S 498(A) of IPC?

DISCUSSION, DECISIONS AND REASONS FOR THE DECISIONS:

9. PW1 Musstt. Anuwara Begum, who is the informant inter alia deposed that she instituted this case. Accused person is her husband. Their marriage took place at about ten years ago. They do not have children. Her husband used to beat her. She stayed for three/four months in her husband's home after their marriage. Thereafter, her husband had beaten her and ousted her after pronouncement of *tini talaq*. Her husband demanded Rs. 1,00,000/- as dowry. Her poor father failed to meet that demand, for which

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she was beaten and ousted. She has entered into second marriage with Azizul Hoque three years ago. Accused person had falsely instituted a dacoity case against her. She was the second wife of the accused person. She exhibited the ejahar as Ext.1 and her signatures as Ext.1(1) & 1(2). In her cross examination, PW1 inter alia answered that she wants to enter into compromise for not running this case. She does not want to run this case. Accused Jiarul had also instituted one case against her. Both of them, instituted cases because of mis-understanding. She married Jiarul Hoque in the year 2005. She stayed in the house of Jiarul for about 4/5 months. Thereafter she went to her parental home. She instituted one case U/S 498(A) of IPC and one case for getting maintenance at that time. That 498(A) of IPC, CR case was disposed of by acquitting Jiarul Hoque. Jiarul Hoque thereafter had entered into new marriage. She has also entered into new marital tie.

10. PW2 Md. Mamadul Hasan inter alia deposed that he knows the informant. The accused person is his elder brother. Informant is the wife of the accused person. They got married in the year 2005. The informant married to another person. The accused also married another woman.

11. PW3 Md. Rabbul Hussain inter alia deposed that he knows informant and accused person. Informant was the wife of the accused person. The informant married another person. He knows nothing about the case.

12. I have carefully gone through the evidence on record. From the examination-in-chief of PW1 who is the informant and victim it appears that her husband demanded Rs. 1,00,000/- from her as dowry and he used to beat her and finally she was driven from her matrimonial home, but from her cross examination, it is clear that she filed the instant case out of misunderstanding and she does not want to run this case. PW2 and PW3 have not stated any incriminating material against the accused person in their evidences. The prosecution failed to adduce any other evidence in support of the prosecution case. Hence, I am of the view that prosecution side has failed to prove the case against the accused person beyond all reasonable doubt.

13. In view of above discussion, the accused Md. Jiarul Rahman is

acquitted of charge U/S 498(A) IPC and set at liberty forthwith.

14. Bail bond shall remain in force for next six months.

15. The case is disposed of on contest.

16. Given under my hand and seal, today, the 28th day of June, 2019.

Dictated and corrected
by me.

S. ACHARYYA
Addl Chief Judicial Magistrate
Morigaon.

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Addl Chief Judicial Magistrate
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Dictation taken and
transcribed be me.

Computer Typist.

APPENDIX:

Prosecution witness:

PW1- Musstt. Anuwara Begum

PW2- Md. Mamdul Hasan

PW3- Md. Rabbul Hussain

Prosecution exhibits:

Ext.1- Ejahar.

Defence witness:

Nil.

Defence exhibit:

Nil.

Dictated and corrected
by me.

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