

DISTRICT: MORIGAON

IN THE COURT OF ADDL. CHIEF JUDL.MAGISTRATE,

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

GR Case No. 2064 of 2015

U/S 498(A) of IPC.

PROSECUTOR: STATE OF ASSAM

-VS.-

ACCUSED: MD. TAMIDUL ISLAM @ TARIDUL ISLAM

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

APPEARANCE:

For the State : Mr. D. Nath, Ld. Asstt. Public Prosecutor.
For the accused person : Mr. B. H. Talukdar, Learned Advocate.
Charge framed on : 18.06.2019.
Evidence recorded on : 29.06.2019.
Argument heard on : 29.06.2019.
Judgment delivered on : 29.06.2019.

J U D G M E N T

1. The prosecution case in brief is that the informant Musstt. Merina Begum lodged an ejahar stating inter alia that she was married to the accused person Taridul Islam at about 3 years back. The accused person has been inflicting physical and mental torture since her marriage by demanding dowry and cash amount of Rs. 1,00,000/- and finally she was driven out from her matrimonial house. Hence the case.
2. On receipt of the 'ejahar' at the police station, the same was registered as Moirabari P.S. Case No. 225/2015 and the matter was investigated upon.
3. After completion of investigation police filed a charge-sheet against the accused person Md. Taridul Islam 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. Merina Begum at Hatimuria village under PS Moirabari subjected her to cruelty since her marriage by inflicting physical and mental torture upon her demanding dowry and thereby committed an offense punishable U/S 498(A) of IPC?

DISCUSSION, DECISIONS AND REASONS FOR THE DECISIONS:

9. PW1 Musstt. Merina Begum, who is the informant cum victim and PW2 Md. Abdul Khaleque @ Abdul Malek, who is the father of PW1, inter alia deposed that PW1 instituted this case because of domestic quarrel and presently they have no allegation against the accused person and they have no objection, if the accused person is acquitted. PW1 exhibited the ejahar as Ext.1 and her signature as Ext.1(1).

10. I have carefully gone through the evidence on record. From the evidence it appears that PW1, who is the informant cum victim and PW2, who is the father of the PW1 have 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. Taridul Islam @ Tamidul Islam 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 29th day of June,
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- Musstt. Merina Begum

PW2- Md. Abdul Khaleque @ Abdul Malek

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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