

DISTRICT: MORIGAON

IN THE COURT OF ADDL. CHIEF JUDL.MAGISTRATE,

MORIGAON:.....ASSAM.

PRC Case No. 702 of 2018

U/S 498(A)/323 of IPC.

PROSECUTOR: STATE OF ASSAM

-VS.-

ACCUSED: (I) MD. JIABUR RAHMAN

(II) MD. NURUDDIN AHMED

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

APPEARANCE:

For the State : Mr. D. Nath, Learned Asstt. Public Prosecutor.
For the accused person : Mr. B. H. Talukdar, Learned Advocate.
Charges framed on : 08.05.2019.
Evidence recorded on : 21.05.2019 & 13.06.2019.
Argument heard on : 13.06.2019.
Judgment delivered on : 13.06.2019.

J U D G M E N T

1. The prosecution case in brief is that the informant Musst. Taslima Khatun lodged an ejahar stating inter alia that accused Jiabur Rahman is her husband and other accused persons are family members of her husband. That accused persons used to inflict physical and mental torture upon her demanded dowry and cash amount. That on 6.6.2018, at about 8.00 AM, the accused persons assaulted her with blow and fist and caused injury to her. That when her parents came to her home being informed, then accused persons assaulted them too by tiding them with tree. Hence the case.

2. On receipt of the 'ejahar' at the police station, the same was

registered as Bhuragaon P.S. Case No. 78/2018 and the matter was investigated upon.

3. After completion of investigation police filed a charge-sheet against the accused persons (i) Md. Jiabur Rahman and (ii) Md. Nuruddin Ahmed under section 498(A)/323/34 IPC.

4. On appearance of the accused persons they were allowed to go on bail. Relevant documents of the case were furnished to them. Upon perusal of materials on record and after hearing both sides, charge under section 498(A)/323 IPC has been framed, read over and explained to the accused persons to which they 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 examination under section 313 Cr.P.C. of the accused persons 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 persons, being the husband and relative of husband of the informant Musstt. Taslima Khatun, subjected her to cruelty since her marriage by inflicting physical and mental torture upon her by demanding dowry and cash amount and thereby committed an offense punishable U/S 498(A) of IPC?

(ii) Whether the accused persons, on 6.6.2018, at 8.00 AM, voluntarily caused hurt to Musstt. Taslima Khatun, Md. Lal Miya and Musstt. Habiran Nessa and thereby committed an offense punishable 323 of IPC of IPC?

DISCUSSION, DECISIONS AND REASONS FOR THE DECISIONS:

9. PW1 Musstt. Taslima Khatun, PW2 Md. Lal Miya and PW3 Musstt. Habiran Nessa, who are the informant and victims inter alia deposed that PW1 instituted this case because of domestic quarrel and presently they

have no allegation against the accused persons and they have no objection, if the accused persons are 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, PW2 and PW3, who are the informant and victims have not supported the prosecution case, as stated in the ejahar. In the result, there is no incriminating evidence against the accused persons.

11. In view of above discussion, the accused (i) Md. Jiabur Rahman and (ii) Md. Nuruddin Ahmed are acquitted of charge U/S 498(A)/323 IPC and set at liberty forthwith.

12. Bail bonds 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 13th 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. Taslima Khatun

PW2 - Md. Lal Miya

PW3 - Musstt. Habiran nessa

Prosecution exhibits:

Ext.1- Ejahar.

Defence witness:

Nil.

Defence exhibit:

Nil.

Dictated and corrected
by me.

S. ACHARYYA
Addl Chief Judicial Magistrate
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