

BEFORE THE COURT OF JUDICIAL MAGISTRATE 1ST CLASS , SONITPUR

Present :- Smti Sabita Bharadwaj , AJS

Judicial Magistrate 1st Class Sonitpur, at Tezpur

G.R.CASE NO :-3756/2016

Under section 498 (A) IPC

State of Assam

- *VERSUS* -

Samsul Haque

S/O- Late Jamaluddin

Resident of – Balipukhuri

Police Station- Dhekiajuli

District- Sonitpur

-Accused person

Appeared

Learned App for State..... Karabi Das

Learned Counsel for Defence..... N. Uddin

Date of Evidence..... 27.05.2019

Date of Argument 27.05.2019

Date of Judgment..... 27.05.2019

JUDGEMENT

1. Accused person viz. Md. Samsul Haque stood for trial for the allegations of committing offences u/s 498 (A) IPC.
2. The prosecution case in brief is that on 04.11.2016 the informant viz. Sofia Khatun lodged an "Ejahaar" before the Officer-in-charge of Dhekiajuli police station stating inter alia as she got married with the accused 5 years ago but after solemnization of her marriage he tortured her physically. She further stated that on 04-11-2016 the accused tried to kill her by holding a stick on his hand.
3. On the basis of the 'Ejahaar' a case has been registered as Dhekiajuli P.S case no. 811/16 u/s 498(A) IPC and investigation was initiated and after completion of investigation charge sheet was submitted against accused Md. Samsul Haque u/s 498 (A) IPC.
4. On the appearance of the above named accused person before the Court and also after furnishing the copies to him charges under section u/s 498 (A) IPC was framed against him and particulars of charges so framed on being read over and explained to the accused by me and he pleaded not guilty and claimed trial.
5. The prosecution has examined 1 (one) no. of witness and exhibited 1 (one) no. of document. The examination of the accused u/s 313 Cr.P.C. is dispensed with finding no incriminating material against him. The accused declined to adduce any evidence in support of their defence.

POINTS FOR DETERMINATION:-

- (I) **Whether on several occasions and on 04.11.2016 at around 7.00 AM being the husband of the informant had accused Md. Samsul Haque subjected her to cruelty by torturing her physically and mentally in demand of money?**

6. I have carefully perused the entire materials available on case record and heard the arguments advanced by the Learned Counsels of both the sides and proceeded to decide as follows:

DISCUSSION , DECISIONS & REASONS THEREOF:-

7. P.W.1 Sofia Khatun deposed in her testimony that she had lodged this case against accused person due to some misconception. She further stated that she did not want to proceed with the case and also would have no objection if the accused is acquitted from this instant case. Ext. 1 is her 'ejahar' and Ext. 1(1) is the signature therein.
8. From the materials evidence as available on the case record I have observed that in this instant case the testimony of the vital witness of the prosecution i.e. informant/P.W.1 Sofia Khatun has not supported its case rather she deposed that she had lodged this case against accused person due to some misconception.
9. Therefore, in my considered view, the prosecution has miserably failed to prove the guilt of the accused person beyond all reasonable doubt and the accused person is entitled to get the benefit of doubt.

Hence, the point for determination is decided in negative.

10. In result accused person Md. Samsul Haque is acquitted from the charges u/s 498 (A) IPC and set at liberty.

Bail Bonds (if any) shall be valid up to expiry of 6 (six) months from the date of this order and Judgement.

Given under the hand & seal of this Court on this 27th day of May 2019.

Sabita Bharadwaj
Judicial Magistrate 1st Class
Sonitpur, Tezpur

Appendix

Names of the witnesses of Prosecution:-

1. P.W.1- Sofia Khatun

Documents exhibited by Prosecution :-

1. Ext 1- Ejahar
2. Ext. 1(1)- Signature of Sofia Khatun

Names of the witnesses of Defence:- Nil

Documents exhibited by Defence :- Nil

Sabita Bharadwaj
Judicial Magistrate 1st Class
Sonitpur, Tezpur