

**IN THE COURT OF THE CHIEF JUDICIAL MAGISTRATE:  
SONITPUR AT TEZPUR**

Present: Sri Debashish Saikia,  
Chief Judicial Magistrate,  
Sonitpur, Tezpur.

**GR CASE NO.7024/16**

**U/s 498(A) of IPC.**

state

-vs-

Faizuddin

..... accused

**Appearances:**

K Gogoi,  
Learned Addl PP  
& N Saikia, Asstt PP : For the prosecution.

N Ch Goswami  
Ld Counsel : For the accused

Date of recording evidence : 17-5-19

Date of hearing argument : 17-5-19

Date of judgment : 17-5-19

**J U D G M E N T**

1. The informant's case in brief is that :

The informant Mustt Junmoni Begum lodged an ejahar on 27-12-16 stating interalia that she was married to the accused about 8 years ago but thereafter, the accused started to torture her by physically and mentally. It is also alleged by the informant that on 23-12-16 at about 2 pm, accused along with other persons assaulted her with injuries on her person. Hence, the ejahar.

2. On receipt of the ejahar OC Dhekiajuli Police Station registered a case under Dhekiajuli Police Station Case No. 957/16 under Section 498(A) of IPC. The I.O. started investigation of the case and upon completion of investigation submitted the charge sheet against the accused Fajuddin under Section 498(A) of IPC to face trial before the Court.

3. On appearance of the person, copies of the relevant documents were furnished to him. Vide my order dtd 19-03-2019, charge u/s 498(A) IPC was framed, read over and explained to the accused to which the accused pleaded not guilty and claimed to be tried. During trial, prosecution has examined only one witness i.e. the informant. Prosecution declined to adduce further evidence as in the meantime, both the parties have compromised the matter. As such, prosecution evidence is closed. As such, prosecution evidence is closed. Statement of the accused under Section 313 Cr. P. C has not been recorded as there is no incriminating material against him. I have heard the arguments advanced by the learned Counsel of both sides and carefully perused the evidences on record.

4) **The point for determination is :**

*Whether the accused Faizuddin being husband of the informant subjected her to cruelty with a view to coercing her to meet the unlawful demand of dowry and is liable to be punished under Section 498(A) of IPC ?*

**DISCUSSION, DECISIONS AND REASONS THEREOF:**

5) PW1 Mustt Junmoni Begum is the informant of this case and she in her evidence has stated that she got married to the accused in the year 2009 and thereafter, started a conjugal life together. She also stated that in course of their marital life, they had a marital dispute and out of misunderstanding she lodged the case. She further stated that now she has compromised the matter and lives peacefully with the accused. She has identified her ejahar as Ext.1 and Ext.1 is her signature.

6) Upon careful perusal of the evidence of PW1, the informant of this case, it has come out clearly that no incident took place as alleged in the ejahar. It also appears from the evidence of PW1 that she lodged the ejahar out of misunderstanding and at present, she has compromised the matter with the accused. Hence, the offence under Section **498(A)** of IPC is not attracted in this case.

In the result, the prosecution has totally failed to prove the offence under Section **498(A)** of IPC against the accused beyond all reasonable doubt.

**ORDER**

Accused Faijuddin is acquitted of the charge u/s 498(A) IPC and is set at liberty forthwith.

The liability of the bailor is extended for 6 (six) months from today as per provision of the amended Cr.P.C.

This Judgment is given under my hand and the seal of this Court on this 17<sup>th</sup> day of May, 2019.

( D Saikia )  
Chief Judicial Magistrate,  
Sonitpur, Tezpur

Dictated and corrected by me:-

(D Saikia)  
Chief Judicial Magistrate,  
Sonitpur, Tezpur

**APPENDIX**

**Prosecution witnesses :**

PW1 Mustt Junmoni Begum

**Prosecution Exhibits:**

Ejahaar as Ext.1

**Defence witness:**

Nil.

(Sri D Saikia)  
Chief Judicial Magistrate,  
Sonitpur, Tezpur