

IN THE COURT OF JUDICIAL MAGISTRATE FIRST CLASS

TEZPUR, ASSAM

G.R CASE NO:3654 OF 2016

Under Section 498(A) of the Indian Penal Code

State of Assam

.....PROSECUTOR

-Vs.-

1. Md. Jainaluddin

Village- Khagorijan

P.S-Thelamara, Dist- Sonitpur

.....ACCUSED

PRESENT: VISHEK BHUYAN, LL.M, AJS

JUDICIAL MAGISTRATE FIRST CLASS, TEZPUR

FOR PROSECUTION: LD. APP. Mr Tapan Das

FOR THE ACCUSED: Smti. Dulumoni Singh, Sri Rupjyoti Baruah

EVIDENCE RECORDED: 05.02.2021

JUDGEMENT DELIVERED ON: 17.02.2021

JUDGMENT

1. The accused persons Md. Jainaluddin stood trial for offences punishable under Sections 498(A) of Indian Penal Code (hereinafter IPC).

Information and Investigation

2. The genesis of this case has its roots with the lodging of Ejahar by informant Smti. Minti Das on 22.09.2018 wherein the informant cum victim has alleged that she got married to the accused around 3 months back as per Muslim customs. A few days after marriage, the accused started to subject the informant to physical cruelty on the smallest of issues. On 13.09.2016 the accused person Md. Jainaluddin accused the informant of being a thief and proceeded to beat her up and then chased her out of the house. Presently she is staying at her father's house. She also alleges that on the day prior to lodging of this ejahar, at Thelamara centre the accused person pushed and shoved her father due to which he sustained grievous injury. Hence, this ejahar.
3. The Ejahar was registered as Thelamara P.S Case no 98/16 U/s 498(A) IPC. The police after investigation submitted charge sheet against the accused person under sections 498(A) IPC.

Trial

4. Cognizance was taken of the Charge sheeted offences and processes were issued upon which the accused person appeared and copies of the relevant documents were furnished to them in compliance with section 207 of Code of Criminal Procedure (hereinafter referred as Cr PC). The particulars of the offences were explained to the accused person, to which he pleaded not guilty and claimed to be tried.
5. In this case, the prosecution has examined the informant-cum-victim as PW-1. Considering testimony of the informant, the prosecution declined to further adduce evidence in this case. Hence, the evidence of prosecution side is closed. Examination of accused persons u/s 313 Cr PC dispensed with as the prosecution did not adduce any implicating evidence against them.

6. After hearing the learned Counsel of both sides and after perusal of the case record, I do hereby frame the following points of determination.

POINTS FOR DETERMINATION

i. Whether the accused person Md. Jainaluddin being the husband of the informant-cum-victim Smti Sarufa Khatun had subjected her to cruelty both physically and mentally after marriage with a view to coerce her and thereby committed an offence punishable U/s 498(A) IPC?

PROSECUTION EVIDENCE

Evidence of the informant

7. **P.W 1 Smti Sarufa Khatun** is the informant-cum-victim in this case. She states that the accused person is her husband and she lodged this case in 2017 due marpit committed upon her by the accused. Since then, the matter has been settled among them. She also goes on to state that she does not want to continue with this case and has no objection if the accused person is acquitted of the charges.

DISCUSSIONS, DECISIONS AND REASONS THEREOF

8. Upon a perusal of the evidence, it is clear that the informant-cum-victim of this case does not wish to proceed with the case, as the case was lodged due to her facing cruelty but since then the matter has been resolved among the two parties amicably and has no issue if the accused is acquitted of the charges brought against him.
9. As such the prosecution has failed prove that the accused persons have committed the offences u/s 498(A) IPC beyond reasonable doubt.

ORDER

In light of the above, it is held that the prosecution has failed to prove the case U/s 498(A) of IPC against the accused Md. Jainaluddin beyond all reasonable doubt. Hence, he is hereby **acquitted** and set at liberty forthwith.

However, his bail bond shall remain in force for a period of next 6(six) months as provided by section 437A Cr PC.

Given in my hand and under the seal of this court on this the 17th day of February, 2021.

Typed by Me: Sri Vishek Bhuyan, JMFC, Sonitpur, Tezpur

(Mr Vishek Bhuyan)
Judicial Magistrate First Class
Sonitpur, Tezpur

APPENDIX

Prosecution Witness:

PW-1: Smti. Sarufa Khatun

Defence Witness:

NIL

Prosecution Exhibits:

Ext-1: Ejahar

Ext-2: Chargesheet

Defence Exhibits:

NIL

(Mr Vishek Bhuyan)
Judicial Magistrate First Class
Sonitpur, Tezpur