

IN THE COURT OF ADDITIONAL CHIEF JUDICIAL MAGISTRATE
SONITPUR, TEZPUR, ASSAM

(GR CASE NO:- 3700/16)

U/S – 498-A of the Indian Penal Code

State of Assam
Vs
Md Ruhul Amin

Present : Sri. Angshuman Bhattacharjee,
Addl. Chief Judicial Magistrate

For Prosecution : Sri. P. Baruah, Learned Addl. Public Prosecutor.

For the accused : Md A Aziz, Learned Advocate.

Evidence recorded on : 17.02.2021

Arguments heard on : 17.02.2021

Judgement delivered on : 17.02.2021

Judgement

1. The prosecution story emanates from the FIR on 31-10-16 lodged by one Mustt Rujana Sultana stating inter alia that about three years ago, she was married to the accused Md Ruhul Amin and out of their wedlock, a child was born to them. About eight months ago from lodging the ejarah, accused along with other persons had assaulted her and driven her out with her son. Hence, this case.

2. After completion of investigation the police filed charge-sheet against the accused Md Ruhul Amin u/s 498-A of the Indian Penal Code. At the relevant point of time, on receipt of summons the accused appeared before this Court and he was furnished copies as mandated u/s 207 Cr.P.C. Having found a case against the accused person u/s- 498-A of I.P.C., charge under said sections of law was framed, read over and explained to the accused to which he pleaded not guilty and claimed to be tried.

3. The prosecution examined one witness and on the oral prayer of prosecution and defence sides as well as considering the materials on record, further prosecution evidence and SD were dispensed with.

Points for determination:-

Whether the accused Md Ruhul Amin had subjected the informant to cruelty by physically and mentally torturing her and thereby committed an offence punishable under Section 498(A) of IPC?

Discussion of evidence

4. PW1, Mustt Rujana Sultana is the informant of this case. She deposed that accused is her husband. On 31-10-16, a quarrel took place between her and the accused over a trivial household matter. Then out of misunderstanding and being incited by others, she lodged this case against the accused. Presently, she has no any grievance against the accused. She has identified her ejahar as Ext.1 whereupon Ext.1(1) is her signature.

DECISION AND REASONS THEREOF

5. I have heard the prosecution and defence side.

6. Let me now analyse how far the prosecution has been able to prove its case against the accused person. It is seen that the informant as PW1 in course of her evidence admitted that the instant case has been lodged out of misunderstanding and she does not have any grievance against the accused person. PW1/informant has in no manner supported the prosecution case. This being the position, the prosecution case cannot be said to have been proved beyond all reasonable doubt.

7. In view of the discussions above it is hereby concluded that the prosecution has failed to prove its case beyond all reasonable doubt. As such this court holds that the accused Md Ruhul Amin is not guilty of the offence U/S 498-A of the Indian Penal Code and he be set at liberty forthwith. The bail bond furnished by the accused persons is hereby extended for six months from today (17-02-2021).

8. Seized articles if any be delivered to his lawful owner after proper verification and following the process of law.
9. Judgement is delivered and pronounced in open court.
10. Given under my hand and seal of this court on this 17th day of February, 2021.

Sri. Angshuman Bhattacharjee
Addl. Chief Judicial Magistrate
Sonitpur, Tezpur

APPENDIX

Prosecution has examined one witness:-

PW 1 – Mustt Rujana Sultana

Defence side has not examined any witness.

Documents exhibited by the prosecution :-

Ext.1 - FIR

Documents exhibited by the defence -: Nil

Sri. Angshuman
Bhattacharjee
Addl. Chief Judicial
Magistrate
Sonitpur, Tezpur