

IN THE COURT OF SUB DIVISIONAL JUDICIAL MAGISTRATE (S),  
TEZPUR, SONITPUR, ASSAM.

GR. NO : 1627 of 2011

The State of Assam

VS

1. Md Dilder Hussain
2. Naushad Ali
3. Firoza Khatun

.....Accused.

Present : ABDUL KADER  
Sub-Divisional Judicial Magistrate,  
Sonitpur, Tezpur. Assam.

Counsel for prosecution: Mrs. A. Baruah, Learned APP  
Counsel for the defence: Mr. AK Saikia.

Date of evidence : 20.05.2014  
Date of argument : 20.05.2014  
Date of judgment : 20.05. 2014

### **JUDGMENT**

One Mrs. Mazedha Khatun filed a complaint before the learned CJM, Sonitpur, alleging inter alia that she was married with the accused and started conjugal life. After marriage her husband and his family members used to torture her both physically and mentally. On 01.08.2011 the accused assaulted her and drove her away from his house keeping all ornaments.

The complaint was forwarded to the O/C Dekiajuli PS. The officer- in-charge of the Dekiajuli police station, after receiving the FIR registered a case vide Dekiajuli P.S. case no. 311/11 u/s 498(A)/323 IPC and took up investigation thereon. During investigation the Investigating Officer recorded statement of the witnesses. After completion of the investigation, the Investigating Officer submitted charge sheet u/s 498(A) /323 IPC against the accused persons.

Upon appearance of the accused before the court, copy was furnished to him as per section 207 Cr.P.C. Having regards to the materials on the case record, charge of offence u/s 498(A)/34 IPC was framed and read over and explained to the accused to which they pleaded not guilty and claimed to be tried.

In the course of trial the prosecution examined following witness(s):

PW-1: Smti. Mazida Khatun

Examination of the accused person(s) u/s 313 CrPC has been dispensed with. Defence did not adduce any evidence.

Heard argument of the learned APP for the prosecution and learned counsel for the defence.

#### POINTS FOR THE DECISION :

1. Whether the accused persons being the husband and relatives of husband torture the PW-1 demanding dowry, thereby committed offence under section 498(A) IPC?

#### DECISION AND REASONS FOR DECISION :

PW- 1 deposed that she is the informant. She was married with the accused and started conjugal life. During conjugal life there was quarrel between the couple. Later on, the matter is amicable settled between them. They obtained divorce. She has no allegation against the accused.

From the evidence of the Prosecution witness it appears that there was quarrel between the accused person and the PW-1. The PW-1 stated that the matter is settled on divorce.

Considering above discussion, I am of the opinion that the prosecution has failed to prove the case against the accused person beyond reasonable doubt. Hence the accused is deserved to be acquitted of the charge.

In the above view the accused persons are acquitted of the charge u/s 498(A)/ 34 IPC. Set him at liberty.

Given under my hand and seal of the court, on this 20th May 2014.