

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

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

**GR CASE NO.681/16
(U/s 498(A) of IPC.**

state

-vs-

Nazrul Haque

..... **Accused person.**

Appearances:

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

N Haque
Ld Counsel : For the accused person.

Date of recording evidence : 22-05-19

Date of hearing argument : 22-05-19.

Date of judgment : 22-05-19.

J U D G M E N T

1. The prosecution case in brief is that :

The informant Mustt Najma Begum lodged an ejahar on 07-03-16 stating interalia that her husband-accused used to torture her physically and mentally after taking alcohol. It is also alleged by the informant that on the same day at evening, accused assaulted her by causing injuries on her head and chest. Hence, the ejahar.

2. I/C Kacharigaon OP on receiving the ejahar sent the same to O/C, Tezpur PS who on receipt of the same registered the case as Tezpur P.S Case No 369/16 U/S 498(A) IPC and started investigation of the same. On completion of investigation, police submitted charge sheet against the accused U/S 498(A) IPC.

3. On appearance of the person, copies of the relevant documents were furnished to him. Vide my order dtd 08-05-2019, 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.

4) Statement of the accused under Section 313 Cr.P.C has not been recorded as there is no incriminating material against him.

5) I have heard the arguments advanced by the learned Counsel of both sides and carefully perused the evidences on record.

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

Whether the accused Nazrul Haque 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:

7) PW1 Mustt Najma Begum is the informant of this case and she in her evidence has stated that she got married to the accused in the year 1995. She also stated that in course of their marital life, they had a marital discord in the year 2016 and out of misunderstanding she lodged the case. She further stated that now she has compromised the matter with the accused and is living peacefully together. She has identified her ejahar as Ext.1 whereupon Ext.1(1) is her signature.

8) Defence declined to cross-examine the witness.

9) 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 and is living with the accused. Hence, the offence under Section **498(A)** of IPC is not attracted in this case.

ORDER

Accused Nazrul Haque 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 22nd 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 Najma Begum

Prosecution Exhibits:

Ext 1 : Ejahar

Defence witness:

Nil.

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