

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

PRESENT : Smti. A. Rahman, A.J.S.,

Additional Chief Judicial Magistrate, SONITPUR.

For the prosecution Sri. P. Baruah , Addl. P.P.
For the accused person Sri. Jatin Borah ,Advocate

Ref. : G.R. Case No. 3136 of 2017

State of Assam

-VS-

Amirul Islam

... Accused person

Under section 498(A) of I.P.C.

Charge framed on 02.11.18
Evidence recorded on 22.05.19
Arguments heard on22.05.19
Judgment delivered on29.05.19

J U D G E M E N T

1. The prosecution case, in brief, is that informant got socially married with the accused namely Amirul Islam almost 1 year ago and she is his second wife. That after 4 months of marriage, her husband went to Kerala for work to earn livelihood. That 6 months ago her father-in-law started torturing her physically and mentally in absence of her husband. That finding no other option she took shelter in her maternal uncle's home for 6 months. That 2 months ago her husband came home but he did not enquire about her even did not turn to take her back to his home. Hence, this case.
2. On receipt of the FIR, the Officer-in-charge of Dhekiajuli P.S. registered the case Dhekiajuli P.S. Case No. 739/17, U/S- 498(A) of I.P.C. and caused investigation. After completion of the investigation, the concerned I.O. submitted charge sheet against accused person Amirul Islam for commission of offences u/s 498(A) of I.P.C.

3. In due course, the accused person appeared before the Court and the copies of relevant documents were furnished to him as per section 207 Cr.P.C. Having found a prima-facie case against the accused person Amirul Islam u/s 498(A) of IPC charge under the said section of law was framed, read over and explained to him to which he pleaded not guilty and claimed to be tried.
4. The prosecution, in support of its case, examined one witness, and as per submission of learned A.P.P., further evidence of prosecution side is closed. The defense side examined no witness. Statements U/S 313 Cr. P.C was dispensed with. I have heard the arguments advanced by the learned counsel of both the sides.

POINT FOR DETERMINATION :

- (i) **Whether the accused person, Amirul Islam, had subjected his wife to cruelty by physically and mentally torturing her and by harassing her to meet his unlawful demand of money and thereby committed an offence punishable under Section 498-A of IPC ?**

DISCUSSION, DECISION AND REASONS THEREOF:

5. **PW1, Monowara Khatoon, the informant** of this case has stated that accused is her ex-husband. That she entered into marriage with the accused almost one year back. That after some time of marriage, some house hold discord took place in between her and her in-laws, resulting to some mis-understanding in between her and her husband for which she left her matrimonial house. At present, she has no any grievance against the accused. That she has performed second marriage with another person and living peaceful conjugal life.

In her cross-examination she stated that she is not intending to continue with the case against the accused. That she has no objection if the accused is acquitted from this case.

6. From discussion of the aforesaid evidence, it is seen that the case was filed out of misunderstanding and as such it is held that the prosecution has failed to bring home the guilt of the accused person beyond all reasonable doubt. The

ingredients of the offences u/s 498(A) of IPC has not been proved against the accused person.

6. Therefore, accused persons namely Amirul Islam is acquitted of the said offences and he be set at liberty forthwith. Their bail bond stands cancelled and the bailer is discharged from the liability.
7. Signed, sealed and delivered in the open Court on this 29th day of May, 2019, at Sonitpur.

(Smt. A. Rahman)

Addl. Chief Judicial Magistrate,

Sonitpur :: Tezpur

APPENDIX

WITNESSES FOR THE PROSECUTION :

PW1, Monowara Khaton

WITNESSES FOR THE DEFENCE :

NIL.

DOCUMENTS EXHIBITED :

Ext.1- F.I.R

(Smt. A. Rahman)

Addl. Chief Judicial Magistrate,

Sonitpur :: Tezpur

ORDER

29.05.19-

Accused, Amirul Islam is present.

Today is fixed for Judgment.

From the materials available on record it is found that the ingredients of offence u/s 498A of IPC are not proved against the accused beyond reasonable doubts.

Accordingly, the accused person Amirul Islam, is acquitted of the offences u/s 498(A) of IPC and he be set at liberty forthwith. The bail bonds stands cancelled and the bailer is discharged from the liability.

Judgment prepared on separate sheets and kept with the record.

(Smt. A. Rahman)

Addl. Chief Judicial Magistrate,

Sonitpur :: Tezpur

