

IN THE COURT OF JUDICIAL MAGISTRATE FIRST CLASS

TEZPUR, ASSAM

G.R CASE NO:3757 OF 2017

Under Section 498(A) of the Indian Penal Code

State of Assam

.....PROSECUTOR

-Vs.-

1. Md. Noor Hussain

Village- Fultala

P.S-Tezpur, Dist- Sonitpur

.....ACCUSED

PRESENT: VISHEK BHUYAN, LL.M, AJS

JUDICIAL MAGISTRATE FIRST CLASS, TEZPUR

FOR PROSECUTION: LD. APP. Mr Tapan Das

FOR THE ACCUSED: Md. Abdul Aziz

EVIDENCE RECORDED: 17.02.2021

JUDGEMENT DELIVERED ON: 22.02.2021

JUDGMENT

1. The accused persons Md. Noor Hussain 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 Sri Abdul Jalil on 02.10.2017 wherein the informant has stated that his daughter Smti. Amina Begum got married to the accused around 8 years back. And right after marriage his daughter was subjected to physical cruelty by the accused in relation to money being demanded by the same. It has been further alleged that the accused did not allow his daughter to talk with him/ her family. Presently, his daughter is not allowed to go outside the house by the accused and also the accused threatened with physical harm to anyone who dares to come to his house.
3. The Ejahar was registered as Tezpur P.S Case no 2006/17 U/s 498(A) IPC. The police after investigation submitted charge sheet against the accused person under section 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 CrPC). 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 as PW-1 and the victim as PW-2. 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 u/s 313 CrPC 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. Noor Hussain being the husband of the victim Smti Amina Begum 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 Abdul Jalil** is the informant in this case. He states that he lodged the ejarah about 2 years back against his son-in-law Md. Noor Hussain. Currently the matter has been settled amicably between both the sides and both are living together. Hence, he does not wish to continue with the case.
8. **P.W 2 Amina Begum** is the victim in this case. She states that she is presently cohabiting with her husband/accused. And the matter has been compromised and has no issues. She further states that she does not want to continue with the case.

DISCUSSIONS, DECISIONS AND REASONS THEREOF

9. Upon a perusal of the evidence, it is clear that the informant as well as the victim in this case does not wish to proceed with the case, as the case was lodged due to her facing harassment 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.
10. As such the prosecution has failed to 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. Noor Hussain 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 22nd 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: Sri Abdul Jalil

PW-2: Smti Amina Begum

Defence Witness:

NIL

Prosecution Exhibits:

Ext-1: Ejahar

Ext-2: Chargesheet

Defence Exhibits:

NIL

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