

IN THE COURT OF THE CHIEF JUDICIAL MAGISTRATE
TEZPUR. SONITPUR.

Present: Dr. M Baruah
C J M. Tezpur.

G. R. Case No. 1211/09
U/s 498 A IPC

State
Vs
Md. Ramjan Ali

.....Accused

Appearance:

Counsel for the State : Smti R Chakravorty, Sri N Das.

Counsel for the defense : Sri B Borthakur.

Charge framed on : 25/7/12.

Evidence recorded on : 12/12/12.

Argument heard on : 29/12/12.

Judgment delivered on : 17/1/13.



JUDGMENT

The prosecution's case in brief is that the informant-Smti Nasima Khatoon lodged an ejahar on 8/7/09 before the O/C Tezpur P S alleging that the accused who is her husbnad demands dowry from her and harass her. Due to her poor financial condition she could not meet the demand, so the accused does not maintain her and ask her to bring maintenance from her father's residence. The accused person along with his family members tried to set her on fire after pouring kerosene oil over her.

Upon receive of the ejahar, a case being Tezpur P S Case No. 611/09 u/s 498A IPC was registered and started investigation. After investigation, police filed charge sheet against the accused person u/s 498A IPC.

The accused appeared before the Court and faced trial. Copy of the prosecution documents were furnished to the accused. After hearing learned counsel for both sides, charge u/s 498A IPC has been framed and its particulars are read over and explained to the accused. The accused pleaded not guilty and claimed to be tried.

Prosecution adduced evidence of the informant cum victim and another witness. Considering her evidence and upon hearing the Ld. Addl. P P, it is found that further proceeding of the case would not help the prosecution. As such prosecution evidence was closed. Statement of the accused U/S 313 Cr. P.C was not recorded as the informant has not implicated the accused.

M
17/1/13
Chief Judicial Magistrate
Tezpur, Sonitpur

POINTS FOR DETERMINATION

Whether the accused being the husband of the informant had subjected her to cruelty with a view to coercing her to meet the unlawful demand for money and on her failure to meet such demand?

Heard argument of the learned counsel for the prosecution and the defense. Peruse the materials on record.

DECISION, DISCUSSION AND REASONS THEREOF

The PW-1 Smti Nasima Khatoon deposed that she got married to the accused in the year 2005. The accused demanded money from her. She could not give money due to poor financial condition. The accused beat her and she went to her father's residence. Thereafter the nearby people got the dispute resolve and she stayed with her husband. She have a girl child. After about one year she again went back to her faather's residence and filed this ejahar. Ext-1 is the ejahar. Now she is staying with her husband and a son is born to her.

During cross examination she stated that as they have amicably settled the dispute and that they are staying together, so she does not want to proceed with the case against the acused.

PW-2 Mrs Asiran Begum deposed that the informant is her daughter and she was married to the acused about 8 to 9 years ago. The informant returned to her house and stated that the accused had made harassment to her. At present the informant is staying with her husband.

From the above materials I found that informant stated that the accused demanded money from her. But she did not say what amount of money the accused demanded. The informant also stated that they have amicably settled the dispute and they are now staying together. This shows that the allegation about torture and harassment against the accused is not a continuous processes. Moreover they are staying together at present. The PW-2 did not say the accused demanded money from the PW-1. So the allegation of demand of dowry / money is not proved by the prosecution. Therefore I found that the prosecution has failed to prove the alleged offence against the accused beyond doubt.

WB
Chief Judicial Magistrate
Sonitpur, Tezpur

ORDER

Considering the facts and circumstances of this case, I found that the prosecution has failed to prove the case against the accused u/s 498 A IPC. As a result the accused is acquitted and set at liberty. His bail bond stands cancelled.

The judgment is prepared and typed by me.

Set my hand and seal of this Court on this the 17th day of January, 2013.



MB Baruah
17/1/13

(Manash Baruah)
Chief Judicial Magistrate
Sonitpur, Tezpur