

APPENDIX -12

IN THE COURT OF JUDICIAL MAGISTRATE FIRST CLASS

Present: Smt. Darshana Nath, JMFC, SONITPUR, TEZPUR

[Date of the Judgment]

07.11.2022

[GR Case No. 751 of 2017]

(Details of FIR/ Crime and Police Station)

COMPLAINANT :	State of Assam Or Must. Maleka Khatoon W/o- Md. Hazar Ali R/o- Keherukhanda Pathar, P.S.- Dhekiajuli, Dist.- Sonitpur, Assam.
REPRESENTED BY	Smti Niva Devi, Ld. A.P.P.
ACCUSED	Md. Mukles Uddin S/o- Md. Nizamuddin R/o- Tarajan, P.S.- Dhekiajuli, Dist.- Sonitpur, Assam.
REPRESENTED BY	Dipu Bhuyan, Ld. Counsel.

APPENDIX -13

Date of Offence	03-03-2017
Date of FIR.	03-03-2017
Date of Charge-sheet	07-04-2017
Date of Offence Explained	02-06-2018
Date of commencement of evidence	07-09-2022
Date on which judgment is reserved	07-10-2022, 06-10-2022
Date of the Judgment	07-11-2022
Date of the Sentencing Order, if any	-

ACCUSED DETAILS:

Rank of the Accused	Name of Accused	Date of Arrest	Date of Release on Bail	Offence charged with	Whether Acquitted or convicted	Sentence Imposed	Period of Detention undergone during Trial for purpose of Section 438, Cr.P.C.
A1	Md. Mukles Uddin	Nil	Nil	U/S 498(A) IPC	Acquitted	Nil	Nil

**IN THE COURT OF JUDICIAL MAGISTRATE FIRST
CLASS AT SONITPUR, TEZPUR**

**PRESENT: DARSHANA NATH, AJS, Tezpur,
Sonitpur**

GR CASE NO: 751/2017

U/S 498(A) IPC

STATE

VS.

Md. Mukles Uddin

FOR PROSECUTION: Smti. Niva Devi

FOR THE ACCUSED: Dipu Bhuyan, Ld. Counsel

EVIDENCE RECORDED ON : 07/09/2022

ARGUMENTS HEARD ON : 07/09/2022

JUDGEMENT DELIVERED ON: 07/11/2022

JUDGMENT

1. The accused person A1 stood trial for offences punishable under Section 498A 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/PW1 on 03/03/17 wherein she stated that the accused person A1 used to torture her daughter physically and mentally by asking dowry from her.
3. The Ejahar was registered as Dhekiajuli P.S Case no 173/17 u/s 498A/34 IPC. The police after investigation submitted charge sheet against the accused person under section 498A IPC.

Trial

4. Cognizance was taken of the offences u/s 498A IPC and processes were issued upon which the accused person appeared and copy of the relevant documents was furnished to him in compliance with section 207 of Code of Criminal Procedure (hereinafter referred as CrPC). Charges are framed and the contents of the offence are 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 PW1 and victim as PW2. 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 him.
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

- a) Whether the accused person committed cruelty to the informant and thereby committed offence u/s 498A IPC?**

PROSECUTION EVIDENCE

Evidence of the informant

7. PW1 is the informant. She stated that she lodged the ejahar last year against accused person due to some misunderstanding. Currently the matter has been settled amicably between them. Hence, she does not wish to continue with the case.

8. PW2 is the wife of the accused and stated that their dispute has already been settled amicably and they are living together.

DISCUSSIONS, DECISIONS AND REASONS THERE OF

9. Upon a perusal of the evidence, it is clear that the informant and victim do not wish to proceed with the case, as the case was lodged due to misunderstanding but since then the matter has been resolved among the two parties amicably and they have no issue if the accused person is acquitted of the charges brought against him.
10. As such the prosecution has failed prove that the accused person has committed the offences u/s 498A IPC beyond reasonable doubt.

ORDER

11. In light of the above, it is held that the prosecution has failed to prove the case U/s 498A IPC against the accused person A1 beyond all reasonable doubt. Hence, he is hereby **acquitted** and set at liberty forthwith.
12. However, his bail bond shall remain in force for a period of next 6(six) months as provided by section 437A CrPC.

Given in my hand and under the seal of this court on this the 7th day of November, 2022.

Typed by Me:

Smti. Darshana Nath
Judicial Magistrate First Class, Tezpur

APPENDIX -14**LIST OF PROSECUTION / DEFENCE / COURT
WITNESSES****A. Prosecution:**

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
PW1	Maleka Khatoon	Informant(Victim)
PW2	Phulbanu Khatoon	Other witness

B. Defence Witnesses, if any :

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
Nil	Nil	Nil

C. Court Witnesses, if any :

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
Nil	Nil	Nil

LIST OF PROSECUTION/ DEFENCE/ COURT EXHIBITS**A. Prosecution:**

Sr. No	Exhibit Number	Description
1	Exhibit P1/PW1	FIR
2	Exhibit P1(1)/PW1	Signature of PW1

B. Defence:

Sr. No	Exhibit Number	Description
Nil	Nil	Nil

C. Court Exhibits:

Sr. No	Exhibit Number	Description
Nil	Nil	Nil

D. Material Objects

Sr. No	Exhibit Number	Description
Nil	Nil	Nil

Smti. Darshana Nath
Judicial Magistrate First Class, Tezpur