

**APPENDIX-12**

<p><u>IN THE COURT OF CHIEF JUDICIAL MAGISTRATE, SONITPUR</u></p> <p><u>TEZPUR</u></p> <p>Present:- Sri Nabajit Bhatta. AJS. MA, LL.B. Chief Judicial Magistrate, Sonitpur, Tezpur</p> <p>[Date of the Judgment] <b>21.11.2022</b></p> <p><b>[GR Case No-1379 of 2017]</b></p> <p>(FIR NO-707/2017 DATED-20.04.2017/CRUELTY AGAINST WOMAN CASE AND TEZPUR POLICE STATION)</p>	
COMPLAINANT :	STATE OF ASSAM OR Must. Rukia Begum, W/O:- Md. Taizul Islam, R/O:- No-1 Dolabari, P/S:- Tezpur, Dist:- Sonitpur, Assam
REPRESENTED BY	Mrs. Karabi Das, Ld. Asst. P.P
ACCUSED PERSON	Md. Taizul Islam, S/O:- Late Keramat Ali, R/O:- No-1 Dolabari, P/S:- Tezpur, Dist:- Sonitpur, Assam
REPRESENTED BY	Mr. Dipu Bhuyan, Ld. Counsel

**APPENDIX-13**

Date of Offence	On or before 20.04.2017
Date of FIR	20.04.2017
Date of Charge Sheet	31.05.2017
Date of Framing of Charge	11.11.2022
Date of commencement of evidence	21.11.2022
Date on which judgment is reserved	21.11.2022
Date of Judgment	21.11.2022
Date of the Sentencing Order, if any	NIL

**ACCUSED DETAILS :**

Rank of the Accused	Name of the accused	Date of Arrest	Date of Release on Bail	Offences charged with	Whether acquitted or convicted	Sentenced Imposed	Period of Detention undergone during Trial for purpose of Sec. 428 Cr.P.C.
A-1	Md. Taizul Islam	NIL	NIL	Sec-498(A) of IPC	Acquitted	NIL	NIL

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

**G. R. Case No-1379 of 2017**

State of Assam

-Vs-

Md. Taizul Islam

.....Accused Person

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

*Present:*

*Sri Nabajit Bhatta AJS. MA, LL.B.*  
*Chief Judicial Magistrate, Sonitpur at Tezpur*

21<sup>st</sup> day of November, 2022

Mrs. K. Das, Asst. P.P

..... Advocate for the State

Mr. D. Bhuyan, Ld. Counsel

..... Advocate for the Accused

Date of Hearing : 21.11.2022

Date of Argument : 21.11.2022

Date of Judgment : 21.11.2022

**J U D G M E N T**

1. Prosecution story in brief is as follows that on 20.04.2017 the informant Must. Rukia Begum lodged an FIR before the O/C of Tezpur Police Station to the effect that she got married with the accused Md. Taizul Islam on 22.01.1992 as per Islamic rites and ritual and just after her marriage, the said accused started torturing her both mentally and physically by demanding money from her and when she refused to bring the same as it is a illegal, then the accused person told her to bring the said demanded money from her parental house by way of selling household articles. It is also stated that the accused assaulted her with lathi, bricks. Hence, the prosecution case.

2. The instant case was registered under section-498(A) of I.P.C. and the police investigated the same. After completion of the investigation police submitted the charge-sheet against the accused person, namely, Md. Taizul Islam under section-498(A) of I.P.C.
3. That my Ld. Predecessor in Office took cognizance of the offence against the accused person. On appearance of the accused person, copies of relevant documents were furnished to the accused and the charge under section-498(A) of I.P.C. was framed against the accused person and the said charge was read over and explained to the accused person to which he pleaded not guilty and claimed to be tried.
4. Prosecution in order to prove the case has examined the informant-cum-victim in support of this case. Defence plea was total denial. Defence has adduced no evidence. Statement of accused person has been recorded under section-313 of Cr. P.C.
5. **POINTS FOR DETERMINATION:-**
  - (i.) Whether the accused person being the husband of informant namely, Must. Rukia Begum after marriage subjected her to mental as well as physical torture upon her by demanding dowry and subsequently, physically assaulted her by way of beating her with lathi, bricks etc. and caused her injuries and thereby committed an offence punishable U/S-498(A) of I.P.C.?
6. Heard argument from the Ld. Advocate of the accused person. On perusal of the evidence on record and case diary the very findings are as follows.

**DISCUSSION, DECISION AND REASONS THEREOF**

7. The prosecution opening the account of examining the witnesses first brought the informant, namely, Must. Rukia Begum as PW-1. The PW-1 has stated in her evidence-in-chief that she knows the accused person and he is her husband. She further stated that in the year 1992, she got married with the accused and led conjugal life happily. She further stated during their conjugal life four children were born. She also stated that in the year 2017, one day she

had a quarrel with the accused over some domestic issue and after that she lodged the ejahar against her husband She identified her ejahar as P. Ext-1 wherein she put her signature as P. Ext-1(1). She stated that at present, she has been resided with her husband happily and therefore, she has no grievance against the accused. In cross-examination, PW-1 has stated that she has no objection if the accused person is released from this case.

8. I have minutely perused the evidence on record including the cross-examination of witness. From the above discussions, no sufficient incriminatory materials have been found against the accused person. Thus keeping view of what has been discussed above this court has no least hesitation that the prosecution has failed miserably to establish the guilt of the accused person U/S: 498(A) of I.P.C. Hence, the accused person, namely, Md. Taizul Islam is not found guilty.

**ORDER**

Accused person, namely, Md. Taizul Islam is acquitted from the Charge under section-498(A) of I.P.C. and set at liberty forthwith.

Bail-bond of the accused person is extended for six months in view of section-437A of Cr PC.

Judgment is prepared and pronounced in open court. Given under my hand & seal of this court on this 21<sup>st</sup> day of November, 2022 at Tezpur.

**(Sri Nabajit Bhatta)**  
**Chief Judicial Magistrate,**  
**Sonitpur: Tezpur**

Dictated and Corrected by me

Chief Judicial Magistrate,  
Sonitpur: Tezpur

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

<b>RANK</b>	<b>NAME</b>	<b>NATURE OF EVIDENCE</b> (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
PW-1	Must. Rukia Begum	INFORMANT

**B. Defence Witnesses, if any:**

<b>RANK</b>	<b>NAME</b>	<b>NATURE OF EVIDENCE</b> (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
NIL	NIL	NIL

**C. Court Witnesses, if any:**

<b>RANK</b>	<b>NAME</b>	<b>NATURE OF EVIDENCE</b> (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
NIL	NIL	NIL

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

<b>Sr. No.</b>	<b>Exhibit Number</b>	<b>Description</b>
1	Ext-1/PW-1	Ejhar
2	Ext-1(1)	Signature of PW-1

**B. Defence:**

<b>Sr. No.</b>	<b>Exhibit Number</b>	<b>Description</b>
NIL	NIL	NIL

**C. Court Exhibits:**

<b>Sr. No.</b>	<b>Exhibit Number</b>	<b>Description</b>
NIL	NIL	NIL

**D. Material Objects:**

<b>Sr. No.</b>	<b>Exhibit Number</b>	<b>Description</b>
NIL	NIL	NIL

Chief Judicial Magistrate,  
Sonitpur: Tezpur