

IN THE COURT OF JUDICIAL MAGISTRATE FIRST CLASS

TEZPUR, ASSAM

G.R CASE NO:652 OF 2017

U/S 498(A)/494 of the Indian Penal Code

State of Assam

.....PROSECUTOR

-Vs.-

1. Abdul Jalil Ali

S/o Abdul Kalam

Village- Fata Simalu

P.S-Dhekiajuli, Dist- Sonitpur

.....ACCUSED

PRESENT: VISHEK BHUYAN, LL.M, AJS

JUDICIAL MAGISTRATE FIRST CLASS, TEZPUR

FOR PROSECUTION: LD. APP. Mr Tapan Das

FOR THE ACCUSED: M. Islam, Smti. J. Devi

EVIDENCE RECORDED: 16.12.2021

JUDGEMENT DELIVERED ON: 04.01.2022

JUDGMENT

1. The accused person Md. Nazrul Islam stood trial for offences punishable under Sections 498(A)/494 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 Musstt. Husnara Begum, wherein she states that she got married to the accused on 08.04.0213 and a daughter was born out of wedlock. And from a month prior to the lodging of the FIR, the accused used to mentally and physically torture her. Hence, this case.
3. The Ejahar was registered as Dhekiajuli P.S Case no 152/17 U/s 498(A) IPC. The police after investigation submitted charge sheet against the accused person under section 498(A)/494 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 Cr PC). 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-cum-victim as PW-1. 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 person u/s 313 Cr PC 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

i) Whether the accused person Md. Abdul Jalil Ali being the husband of the informant-cum-victim Musstt. Husnara 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?

ii) Whether the accused person having a wife namely Husnara Begum, married again, such marriage being void bt reason of its taking place during the life of Musstt. Husnara Begum and thereby he committed an offence U/s 494 of IPC?

PROSECUTION EVIDENCE

Evidence of the informant

7. **P.W 1 Smti. Husnara Begum** is the informant-cum-victim in this case. She states that she knows the accused person and she lodged this case due to an argument between her and her husband the accused. Since then, the matter has been settled among them and currently living together. She also goes on to state that she does not want to continue with this case and has no objection if the accused person is acquitted of the charges.

DISCUSSIONS, DECISIONS AND REASONS THEREOF

8. Upon a perusal of the evidence, it is clear that the informant-cum-victim of this case does not wish to proceed with the case, as the case was lodged due to a fight 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.
9. As such the prosecution has failed prove that the accused persons have committed the offences u/s 498(A)/494 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 Abdul Jalil Ali 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 the 4th day of January, 2021.

Typed by Me:

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

APPENDIX

Prosecution Witness:

PW-1: Musstt. Husnara Begum

Defence Witness:

NIL

Prosecution Exhibits:

Ext-1: Ejahar

Ext-2: Chargesheet

Defence Exhibits:

NIL

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