

DISTRICT: SONITPUR

**IN THE COURT OF JUDICIAL MAGISTRATE 1ST**  
**CLASS, TEZPUR, SONITPUR**

**Present: Smt. Priyanka Saikia, AJS**  
**Judicial Magistrate 1<sup>st</sup> Class Sonitpur, at Tezpur**

**P.R.CASE NO. 850/2021**  
**(G.R. Case No. 1150/2021)**  
**under Section 498(A) IPC**

**STATE OF ASSAM**

**-VERSUS-**

**1. MD. BABAR ALI**

S/O: MD. HAIDAR ALI

**2. MUSST KHATIJA BEGUM**

W/O: MD. HAIDAR ALI

VILL: KATANIGAON

P.S.: THELAMARA,

DIST: SONITPUR, ASSAM

.....ACCUSED PERSONS

Date of evidence : 05.01.2022

Date of argument : 05.01.2022

Date of judgment : 05.01.2022

Advocate appeared for the State : Smt. Bandana Boro Ld.

APP

Advocate appeared for the accused person: F. Haque

---

**CASE NO: PR 850/2021**

## **JUDGMENT**

**1.** The informant, Smti Priyanka Devnath had lodged the ejahar in this case on 13-04-2021 alleging that the accused married the informant approximately 9 months ago. After marriage, the accused No.1 and 2 has been torturing her physically and mentally for demanding dowry. On 10.04.2021, at about 09.00 A.M. the accused persons had quarrelled with her on demanding dowry and scolded her in filthy languages and they assaulted her and hold her neck to kill her and injured her right hand and drove her out from their house. Hence, this case.

**2.** Upon receipt of the ejahar the police registered Thelamara Police Station case no: 50/2021 under Section 498(A) of Indian Penal Code, 1860 (hereinafter referred to as IPC). After completion of the investigation the police submitted charge-sheet against the accused persons, Md. Babar Ali and Musst Khatija Begum under Section 498(A) of IPC.

**3.** The accused persons entered trial and after furnishing the accused persons with the copies of the relevant documents in compliance with Section 207 of Cr.P.C and upon finding sufficient materials against the accused persons, charge under Section 498(A) of IPC was framed and was explained to the accused persons to which they pleaded not guilty and claimed to be tried.

**4.** The prosecution examined the informant, Musst Sabikun Nehar as PW-1 and also exhibited the ejahar. The statement of the accused persons under Section 313 of

Cr.P.C was dispensed with due to the lack of incriminating materials against them. Defence declined to adduce evidence. I have heard the arguments for both sides.

**5.** Upon hearing and on perusal of the case record I have framed the following points for determination-

**(I)** Whether the accused persons had committed mental and physical tortures on the informant and thereby committed an offence under Section 498(A) of IPC?

**DISCUSSION, REASONS AND DECISION THEREOF:**

**6.** In the course of the evidence adduced by the prosecution, it emerged that the informant, Musst Sabikun Nehar, who was examined as PW-1 has stated that the incident was happen in 2021. The accused persons had quarrelled with her and therefore she filed this case. She also state that the instant case was filed due to misunderstanding. She further stated that now the matter has been settled and she lived with the accused person peacefully. She further stated that she did not want to proceed with the case and if the accused persons are acquitted from the case she does not have any objection. PW-1 has proved her F.I.R. as Ext-1 and her signature therein as Ext. 1(1).

**7.** Since the informant who launched the prosecution of the accused persons has not incriminated the accused persons, the case of the prosecution has fallen flat on its face. Hence, the point for determination is decided in the negative.

**ORDER**

**8.** Situated thus, the accused persons, Md. Babar Ali and Musst Khatija Begum, are acquitted of the offence under Section 498(A) of IPC and set at liberty forthwith.

**9.** The bail bond of the accused person shall remain in force for 6 (six) months from today by virtue of Sec. 437A Cr.P.C.

Given under my hand and seal of this court on this 05<sup>th</sup> day of January, 2021 at Sonitpur, Assam.

Priyanka Saikia, AJS  
Judicial Magistrate 1<sup>st</sup> Class  
Sonitpur, Tezpur

**APPENDIX**

**1. Witnesses for Prosecution**

PW-1: Musst Sabikun Nehar

**2. Prosecution Exhibits**

Exhibit 1- Ejahar

Priyanka Saikia, AJS  
Judicial Magistrate 1<sup>st</sup> Class  
Sonitpur, Tezpur