

IN THE COURT OF JMFC-20,
SONITPUR, TEZPUR

Present: **Shri Vishek Bhuyan,**
AJS

[Date of the Judgment]
11-10-2022

[PR Case No : 1066 of 2019]
[GR Case No : 3980 of 18]

(Details of FIR/ Crime and Police Station)

Complainant :	STATE OF ASSAM OR FARIDA BEGUM
REPRESENTED BY	Learned A.P.P Sri Niranjan Saikia
ACCUSED PERSON	Md. Sabajul Islam S/o- Late Sultan Ali Resident of Vill- Chakighat Bali Chapori P.S- Jamuguri, Sonitpur
REPRESENTED BY	Ld. Counsel F. Begum

FORM B

Date of Offence	06.10.2018
Date of FIR.	10.10.2018
Date of Charge-sheet	31.10.2018
Date of charge framed	03.08.2022
Date of commencement of evidence	02.09.2022
Date on which judgment is reserved	29.09.2022
Date of the Judgment	11.10.2022
Date of the Sentencing Order, if any	NIL

Accused Details

Rank of the Accused	Name of Accused	Date of Arrest	Date of Release on Bail	Offences charged with	Whether Acquitted or convicted	Sentence Imposed	Period of Detention undergone during Trial for purpose of Section 438, Cr.P.C.
	Md. Sabajul Islam	NA	20.07.2022	498A of IPC	Acquitted	NIL	

Form C**A. Prosecution**

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
PW1	Farida Begum	Other witness (Informant)

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
NIL	NIL	NIL

A. Defence:

Sr. No	Exhibit Number	Description
NIL	NIL	NIL

A. Court Exhibits

Sr. No	Exhibit Number	Description
NIL	NIL	NIL

A. Material Objects:

Sr. No	Material Object Number	Description
NIL	NIL	NIL

**IN THE COURT OF JUDICIAL MAGISTRATE FIRST
CLASS**

TEZPUR, ASSAM

P.R CASE NO:1066 OF 2019

G.R CASE NO: 3980 OF 2018

U/Sec 498A of the Indian Penal Code

State of Assam

.....PROSECUTOR

-Vs-

Md. Sabajul Islam

S/o- Late Sultan Ali

Resident of Vill- Chakighat Balichapori

P.S- Jamuguri, Sonitpur

.....ACCUSED PERSON

PRESENT: VISHEK BHUYAN, LL.M, AJS
JUDICIAL MAGISTRATE FIRST CLASS, TEZPUR

FOR PROSECUTION: LD. APP. Sri Niranjan Saikia

FOR DEFENCE: Ld. Counsel F. Begum

EVIDENCE RECORDED: 02.09.2022

ARGUMENTS HEARD ON: 16.09.2022

JUDGEMENT DELIVERED ON: 11.10.2022

JUDGMENT

1. The accused person Md. Sabajul Islam namely stood trial for offences punishable under Sections 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 Farida Begum is that she was subjected to physical and mental torture by the accused who is her husband on several occasions and on 06.10.2018 at about 7 PM, the accused attacked her with a dao and also dragged her by her hair. Hence this case.

3. The Ejahar was received and registered as Jamuguri P.S Case no. 160/2018 U/s 498A of IPC. The police after investigation submitted charge sheet against the accused person under Section 498A of 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 him in compliance with section 207 of Code of Criminal Procedure (hereinafter referred as Cr.P.C). The particulars of offence were framed against the accused person and the same has been 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 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.P.C 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 point of determination.

POINT FOR DETERMINATION

- i. ***Whether the accused person being the husband of the informant Farida Begum subjected her to cruelty on several occasions and thereby committed an offence punishable U/s 498A of IPC?***

PROSECUTION EVIDENCE

Evidence of the informant cum victim

7. **P.W-1 Farida Begum** states that the accused person is her husband and the incident took place in 2018. A misunderstanding took place between her and the accused due to which she filed the case. Presently the matter has been settled among them and is residing together along their 3 (three) children born out of wedlock. **In her cross examination** she states that she has no objection if the accused person is acquitted from the case.

DISCUSSIONS, DECISIONS AND REASONS

THEREOF

8. Upon perusal of the evidence it is seen that the case was lodged in due to some misunderstanding but since then the matter has been settled among them amicably and the

informant does not wish to proceed with the case. Further, the informant has no objection if the accused person is acquitted from this case.

9. As such the prosecution has failed to prove that the accused person has committed the offences under section 498A of IPC beyond reasonable doubt.

ORDER

In light of the above, it is held that the prosecution has failed to prove the case U/s 498A of IPC against the accused person namely Md. Sabajul Islam beyond all reasonable doubt. Hence, he is hereby **acquitted** and set at liberty forthwith.

However, their bail bond shall remain in force for a period of next 6 (six) months as provided by section 437A Cr.P.C.

Given in my hand and under the seal of this court on this the 11th day of October, 2022.

Typed by Me:

Sri Vishek Bhuyan

Judicial Magistrate First Class, Tezpur

APPENDIX

Prosecution Witness:

PW-1: Farida Begum

Defence Witness:

NIL

Prosecution Exhibits:

NIL

Defence Exhibits:

NIL

Sri Vishek Bhuyan

Judicial Magistrate First Class, Tezpur.