

IN THE COURT OF JMFC-20,
SONITPUR, TEZPUR

Present: **Shri Vishek Bhuyan,**
AJS

[Date of the Judgment]
14-11-2022

[PR Case No : 1070/2018]
[GR Case No : 344/2018]

(Details of FIR/ Crime and Police Station)

Complainant :	STATE OF ASSAM OR Miss Anjuwara Khaton
REPRESENTED BY	Learned A.P.P Sri Niranjan Saikia
ACCUSED PERSON	Md. Haider Ali S/o- Md. Aksar Ali Vill- No. 1 Pirakata P.S- Dhekiajuli, District- Sonitpur
REPRESENTED BY	H. Dahal

FORM B

Date of Offence	24.01.2018
Date of FIR.	25.01.2018
Date of Charge-sheet	31.01.2018
Date of charge framed	11.03.2020
Date of commencement of evidence	14.11.2022
Date on which judgment is reserved	14.11.2022
Date of the Judgment	14.11.2022
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. Haider Ali	NA	16.03.2020	498(A)	Acquitted	NIL	

Form C**A. Prosecution**

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
PW1	Anjuwara Khatoon	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
1	Exhibit P 1	Ejahaar
2	Exhibit P 1 (1)	Signature of informant

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: 1070 of 2018

G.R CASE NO: 344 of 2018

U/Sec 498(A) of the Indian Penal Code

State of Assam

.....PROSECUTOR

-Vs-

Md. Haider Ali

S/o- Md. Aksar Ali

Vill- No. 1 Pirakata

P.S- Dhekiajuli, District- Sonitpur

.....ACCUSED PERSON

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

FOR PROSECUTION: LD. APP. Sri Niranjan Saikia

FOR DEFENCE: Ld. Advocate H. Dahal

EVIDENCE RECORDED: 14.11.2022

ARGUMENTS HEARD ON: 14.11.2022

JUDGEMENT DELIVERED ON: 14.11.2022

JUDGMENT

1. The accused person Md. Haider Ali stood trial for offences punishable under Section 498(A) 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 Anjuwara Khatoon is that she got married to the accused about 6 years ago from the date of filing this ejahar and since the birth of their child the accused sent her home to her father's house and kept the child with him. The accused also refused to pay for her medical expenses when she was ill and subjected her to mental torture. On 24.01.2018 the accused beat her up. Hence this case.

3. The Ejahar was received and registered as Dhekiajuli P.S Case no. 78/2018 U/s 498(A)/34 of IPC. The police after investigation submitted charge sheet against the accused person under Section 498(A) 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). Accordingly, charge under the aforesaid section 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 Anjuwara Khatoon subjected her to cruelty and thereby committed an offence punishable U/s 498(A) of IPC ?

PROSECUTION EVIDENCE
Evidence of the informant

7. **P.W 1 Anjuwara Khatoon** states that she is the informant and she knows the accused person who is her husband. The incident took place in the year 2018 due to a misunderstanding. She filed this case against the accused purely due to misunderstanding. Presently, they resides together. She has two daughters out of wedlock. **In the 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 between 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 498(A) 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 498(A) of IPC against the accused person Md. Haider Ali 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 14th day of November, 2022.

Typed by Me:

Sri Vishek Bhuyan

Judicial Magistrate First Class, Tezpur

APPENDIX

Prosecution Witness:

PW-1: Anjuwara Khatoon

Defence Witness:

NIL

Prosecution Exhibits:

Ext- P1:Ejahaar

Ext-P1(1) : Signature of the informant.

Defence Exhibits:

NIL

Sri Vishek Bhuyan

Judicial Magistrate First Class, Tezpur.