

IN THE COURT OF JMFC-20, SONITPUR, TEZPUR

Present: **Smt. Triza P Mazinder Baruah, AJS**

[Date of the Judgment]
24-06-2022

[PR Case No: 126 of 2020]
[GR Case No: 3744 of 2019]

(Details of FIR/ Crime and Police Station)

Complainant :	STATE OF ASSAM OR Pakija Khatun
REPRESENTED BY	Learned A.P.P Sri Niranjan Saikia.
ACCUSED PERSON	Saidul Islam S/o- Kuddhush Ali Vill: Singitali P.S: Tezpur Dist: Sonitpur (Assam)
REPRESENTED BY	N. Uddin

FORM B

Date of Offence	1 and half months ago before filing FIR
Date of FIR.	19.10.2019
Date of Charge-sheet	31.10.2019
Date of charge frame	22.11.2021
Date of commencement of evidence	24.06.2022
Date on which judgment is reserved	NIL
Date of the Judgment	24.06.2022
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. Saidul Islam	NA	09.03.2021	498(A) 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	Pakija Khatun	Other witness (Complainant)

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	PW/Ext -1	FIR
2	PW/Ext-1(1)	Signature of the informant

B. Defence:

Sr. No	Exhibit Number	Description
NIL	NIL	Nil

C. Court Exhibits

Sr. No	Exhibit Number	Description
Nil	Nil	Nil

D. Material Objects:

Sr. No	Material Object Number	Description
NIL	NIL	NIL

BEFORE THE COURT OF JUDICIAL MAGISTRATE 1ST

CLASS

TEZPUR, SONITPUR

Present :- Smti Triza P M Baruah , AJS

Judicial Magistrate 1st Class Sonitpur, at Tezpur

P.R CASE NO.: 126 of 2020
(G.R CASE NO.: 3744 of 2019)

Under Sections 498(A) of IPC

State of Assam

- *VERSUS* -

Md. Saidul Islam

S/o : Kuddush Ali

Vill: Sigitali

Police Station- Tezpur

District- Sonitpur, Assam.

-Accused person.

Appeared

Learned APP for State : Sri Niranjan Saikia.

Learned Counsel for Defence: N.Uddin.

Date of Evidence : 24.06.2022

Date of Argument : 24.06.2022

Date of Judgment : 24.06.2022

P.R.CASE NO: 126 of 2020

J U D G M E N T

1. The present case arose out of an FIR lodged by informant Pakija Khatun against the accused person alleging that accused person Saidul Islam being her husband had subjected her physical and mental torture and did not provide her basic needs in life. The informant, consequently filed an FIR against the accused person for physical and mental torture inflicted on her by the accused person.

2. On receipt of the FIR, officer in charge of Tezpur police station registered a case vide Tezpur P.S. case no. 2046/2019 under sections 498(A)/494 of the Indian Penal Code (IPC) and endorsed the case for investigation. Accordingly investigating officer (I/O) initiated investigation of this case and on completion of investigation, I/O submitted charge sheet against the accused person under section 498(A) of the IPC.

3. Thereafter, on basis of the contents of the case diary, FIR, charge sheet and other relevant documents, cognizance was taken of the offence prima facie appeared to have been committed by the accused person and summons was issued against him.

4. On appearance, accused person was furnished with copy of relevant documents under Section 207 of the Criminal Procedure Code (Cr.P.C.).

5. On perusal and consideration of the material on record and upon hearing the learned Assistant Public Prosecutor (APP) and the learned counsel appearing on behalf of the accused person, prima-facie material of offence under section 498(A) of the Indian Penal Code (IPC) was found against the accused person and accordingly charge under the aforesaid section was 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.

6. In support of its case, prosecution examined 1 (One) number of witness and exhibited 1 (One) number of document. The witness was cross-examined by the defence and thereafter the witness was discharged.

7. Statement of defence of the accused person under section 313 Cr.P.C. has been dispensed with due to lack of any incriminating evidence against him. The defence declined to adduce any evidence.

8. I have perused the material on record and heard the arguments advanced by the learned A.P.P. and the learned counsel appearing for the accused person.

9. Upon hearing and after perusal of the record, following points are formulated for proper adjudication of this case:

POINT FOR DETERMINATION :

(A) Point No. 1 : Whether the accused person being the husband of the informant subjected her to cruelty in order to coerce her to meet any unlawful demand for any property or valuable security and thereby committed an offence punishable under section 498(A) of IPC ?

DISCUSSION , DECISION & REASONS THEREOF:-

10. P.W-1 Pakija Khatun who is the informant in this case deposed that she lodged the FIR due to misunderstanding with the accused person i.e. her husband. She further deposed that she does not hold any grievance against the accused person and has no issue if the accused person is acquitted in the instant case. Ext-1 is the FIR and Ext-1(1) is the signature therein.

11. Burden of proof to establish the guilt of the accused person is on the prosecution. Here, prosecution has failed

to establish the guilt of the accused person. From the evidence of the prosecution witness who has appeared, it can be seen that the FIR was lodged due to a misunderstanding and there is no incriminating material to suggest that the accused person has committed offence punishable under section 498(A) of the Indian Penal Code (IPC).

12. Considering all, it is found that the prosecution has failed to establish the guilt of the accused person and implicate him of any offence under the above stated sections of IPC. The point for determination as stated above are hence, decided in negative.

ORDER

13. In light of the above discussion, the accused person Saidul Islam is acquitted of the charges of offence alleged to have been committed by him.

14. Set the accused person at liberty forthwith.

15. Bail bond for the accused person is extended for a further period of six months in view of section 437(A) of the Cr.P.C.

16. Given under the hand and seal of this court on this **24th day of June, 2022** at Tezpur, Sonitpur.

**(Smt. Triza P Mazinder Baruah)
Judicial Magistrate First Class
Tezpur, Sonitpur.**

Appendix

Name of the witness of Prosecution:-

P.W-1 : Pakija Khatun

Documents exhibited by Prosecution :-

1. PW/Ext-1 : FIR.
2. PW/Ext-1(1) : Signature of the informant.

Name of the witness of Defence:- Nil.

Documents exhibited by Defence :- Nil.

**(Smt. Triza P Mazinder Baruah)
Judicial Magistrate First Class
Tezpur, Sonitpur.**