

IN THE COURT OF JMFC-20,
SONITPUR, TEZPUR

Present: **Shri Vishek Bhuyan,**
AJS

[Date of the Judgment]
03-12-2022

P.R Case No. 15 of 2020

[GR Case No : 2412 of 2019]

(Details of FIR/ Crime and Police Station)

Complainant :	STATE OF ASSAM OR Musstt. Wahida Begum
REPRESENTED BY	Learned A.P.P Sri Niranjan Saikia
ACCUSED PERSON	Md. Mustufa Alam S/o- Md. Kuddush Ali Vill- Punioni P.S- Tezpur, Sonitpur
REPRESENTED BY	Ld. Counsel Amit Bora, Sajid Ali

FORM B

Date of Offence	11.07.2019
Date of FIR.	12.07.2019
Date of Charge-sheet	31.07.2019
Date of charge framed	
Date of commencement of evidence	21.22.2022
Date on which judgment is reserved	NIL
Date of the Judgment	03.12.2022
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.
	Mustafa Alam	NA	11.11.2022	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	Wahida 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
1.	Exhibit-P1	FIR
2.	Exhibit-P1(1)	Signature of the 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. 15 of 2020

G.R CASE NO: 2412 of 2019

U/Sec 498A of the Indian Penal Code

State of Assam

.....PROSECUTOR

-Vs-

Md. Mustufa Alam

S/o- Md. Kuddush Ali

Vill- Punioni

P.S- Tezpur, 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 Amit Bora, Sajid Ali

EVIDENCE RECORDED: 21.11.2022

ARGUMENTS HEARD ON: 21.11.2022

JUDGEMENT DELIVERED ON: 03.12.2022

JUDGMENT

1. The accused person namely Md. Mustafa Alam 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 Wahida Begum is that on 12.07.2019 at about 12 to 1 PM, the accused person had hit the informant and in a result of which she sustained injury and she was thrown out of her matrimonial home. Hence this case.

3. The Ejahar was received and registered as Tezpur PS Case no. 1242/2019 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). Accordingly, charge under section 498A was framed and particulars of the offences was 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 on 12.07.2019 and on several other occasions subjected the informant who is his wife to cruelty and thereby committed an offence punishable U/s 498A of IPC?***

PROSECUTION EVIDENCE

Evidence of the informant cum victim

7. **P.W 1 Wahida Begum** is the informant. She knows the accused, the accused is her husband. The incident took place in the year 2019. A misunderstanding took place between her and her in laws. Subsequently, she filed the ejahar. Presently, the matter has been settled between them and they are residing together. **In her cross examination** she states that she does not wish to proceed with the case and she does not have any 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 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 sections 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 Mustafa Alam 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 03rd day of December, 2022.

Typed by Me:

Sri Vishek Bhuyan
Judicial Magistrate First Class, Tezpur

APPENDIX

Prosecution Witness:

PW-1: Wahida Begum

Defence Witness:

NIL

Prosecution Exhibits:

Exhibit/ P-1:Ejahaar

Exhibit/ P-1(1): Signature of the informant.

Defence Exhibits:

NIL

Sri Vishek Bhuyan
Judicial Magistrate First Class, Tezpur.