

APPENDIX-12

IN THE COURT OF CHIEF JUDICIAL MAGISTRATE, SONITPUR

TEZPUR

Present:- Sri Nabajit Bhatta. AJS. MA, LL.B.
Chief Judicial Magistrate,
Sonitpur, Tezpur

[Date of the Judgment]
17.12.2022

[PR Case No-1560 of 2021]

(FIR NO-1536/2021 DATED-28.07.2021/CRUELTY AGAINST WOMAN CASE AND
TEZPUR POLICE STATION)

COMPLAINANT :	STATE OF ASSAM OR Must. Sultana Begum, W/O:- Md. Khurshed Ali, R/O:- Gotlong Natun Basti (Tea Garden), P/S:- Tezpur, Dist:- Sonitpur, Assam
REPRESENTED BY	Mr. Nalini Kanta Mishra, Ld. Addl. P.P Smt. Karabi Das, Asst. P.P.
ACCUSED PERSON	Md. Khurshed Ali, S/O:- Md. Abdul Kadir, R/O:- Gotlong Natun Basti (Tea Garden), P/S:- Tezpur, Dist:- Sonitpur, Assam
REPRESENTED BY	Mr. Abhisek Saha, Ld. Counsel

APPENDIX-13

Date of Offence	On or before 27.07.2021
Date of FIR	27.07.2021
Date of Charge Sheet	29.08.2021
Date of Framing of Charge	29.11.2022
Date of commencement of evidence	17.12.2022
Date on which judgment is reserved	17.12.2022
Date of Judgment	17.12.2022
Date of the Sentencing Order, if any	NIL

ACCUSED DETAILS:

Rank of the Accused	Name of the accused	Date of Arrest	Date of Release on Bail	Offences charged with	Whether acquitted or convicted	Sentenced Imposed	Period of Detention undergone during Trial for purpose of Sec. 428 Cr.P.C.
A-1	Md. Khurshed Ali	NIL	NIL	Sec-498(A) of IPC	Acquitted	NIL	NIL

IN THE COURT OF CHIEF JUDICIAL MAGISTRATE, SONITPUR::
TEZPUR

P. R. Case No-1560 of 2021

State of Assam
-Vs-
Md. Khurshed Ali

.....Accused Person

U/S-498(A) of I.P.C

Present:

Sri Nabajit Bhatta AJS. MA, LL.B.
Chief Judicial Magistrate, Sonitpur at Tezpur

17th day of December, 2022

Mr. N. K. Mishra, Addl. P.P
Mr. A. Saha, Ld. Counsel

..... Advocate for the State
..... Advocate for the Accused

Date of Hearing : 17.12.2022
Date of Argument : 17.12.2022
Date of Judgment : 17.12.2022

J U D G M E N T

1. Prosecution story in brief is as follows that on 27.07.2021 the informant Must. Sultana Begum lodged an FIR before the O/C of Tezpur Police Station through In-charge of Mahabhairab Police Outpost to the effect that accused Md. Khurshed Ali is her husband and after few days of her marriage started torturing her both mentally and physically by demanding dowry and she failed to fulfil his demand the above-named accused left her along with her minor child in a rented house. Hence, the prosecution case.

2. The instant case was registered under section-498(A) of I.P.C. and the police investigated the same. After completion of the investigation police submitted the charge-sheet against the accused person, namely, Md. Khurshed Ali under section-498(A) of I.P.C.
3. That my Ld. Predecessor in office took cognizance of the offence against the accused person. On appearance of the accused person copies of relevant documents were furnished to the accused person and the charge under section-498(A) of I.P.C. was framed against the accused and the said charge was read over and explained to the accused person to which he pleaded not guilty and claimed to be tried.
4. Prosecution in order to prove the case has examined the informant-cum-victim in support of the case. Defence plea was total denial. Defence has adduced no evidence. Statement of accused person has been recorded under section-313 of Cr. P.C.

5. **POINTS FOR DETERMINATION:-**

- (i.) Whether the accused person after marriage being the husband of informant, Must. Sultana Begum had subjected her to cruelty by torturing her both mentally and physically in demands of dowry and thereby committed an offence punishable under section-498(A) of I.P.C.?

6. Heard argument from the Ld. Advocate of the accused person. On perusal of the evidence on record and case diary the very findings are as follows.

DISCUSSION, DECISION AND REASONS THEREOF

7. The prosecution opening the account of examining the informant, namely, Must. Sultana Begum as PW-1. The PW-1 has stated in her evidence-in-chief that the accused person of this case is her husband. She also stated that in the year 2017, she got married with the accused person and led conjugal life happily. She further stated that in the year 2021 one day she had a quarrel with the accused over some domestic issues and after that she went to her

parental house and lodged the ejahar against her husband. She identified the ejahar as P.Ext-1 wherein she put her signature as P.Ext-1(1). She also stated that after that she returned back to her matrimonial house and at present she has been resided with the accused person happily and therefore, she has no grievance against the accused. In cross-examination, PW-1 has stated that she has no objection if the accused is released from this case.

8. I have minutely perused the evidence on record including cross-examination of witness. From the above discussions, no sufficient incriminatory materials have been found against the accused person. Thus keeping view of what has been discussed above this court has no least hesitation that the prosecution has failed miserably to establish the guilt of the accused person U/S: 498(A) of I.P.C. Hence, the accused person, namely, Md. Khurshed Ali is not found guilty.

ORDER

Accused person, namely, Md. Khurshed Ali is acquitted from the Charge under section-498(A) of I.P.C. and set at liberty forthwith.

Bail-bond of the accused person is extended for six months in view of section-437A of Cr PC.

Judgment is prepared and pronounced in open court. Given under my hand & seal of this court on this 17th day of December, 2022 at Tezpur.

(Sri Nabajit Bhatta)
Chief Judicial Magistrate,
Sonitpur: Tezpur

Dictated and Corrected by me

Chief Judicial Magistrate,
Sonitpur: Tezpur

APPENDIX -14**LIST OF PROSECUTION/DEFENCE/COURT WITNESSES****A. Prosecution:**

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
PW-1	Must. Sultana Begum	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	Ext-1/PW-1	Ejahaar
2	Ext-1(1)	Signature of PW-1

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.	Exhibit Number	Description
NIL	NIL	NIL

Chief Judicial Magistrate,
Sonitpur: Tezpur