

APPENDIX-12

<p><u>IN THE COURT OF CHIEF JUDICIAL MAGISTRATE, SONITPUR</u></p> <p><u>TEZPUR</u></p> <p>Present:- Sri Nabajit Bhatta. AJS. MA, LL.B. Chief Judicial Magistrate, Sonitpur, Tezpur</p> <p>[Date of the Judgment] 27.12.2022</p> <p>[PR Case No-240 of 2020]</p> <p>(FIR NO-21/2019 DATED-10.01.2020/CRUELTY AGAINST WOMAN CASE AND DHEKIAJULI POLICE STATION)</p>	
COMPLAINANT :	STATE OF ASSAM OR Must. Ambiya Khatoon, D/O:- Md. Azizur Rahman, R/O:- Silbori, P/S:- Dalgaon, Dist:- Darrang, Assam
REPRESENTED BY	Mr. Nalini Kanta Mishra, Ld. Addl. P.P
ACCUSED PERSON	Md. Julhas Ali, S/O:- Md. Abdul Motleb R/O:- No-2, Medhichuburi, P/S:- Dhekiajuli, Dist:- Sonitpur, Assam
REPRESENTED BY	Mr. Nizam Uddin, Ld. Counsel

APPENDIX-13

Date of Offence	On or before 09.01.2020
Date of FIR	10.01.2020
Date of Charge Sheet	31.01.2020
Date of Framing of Charge	21.09.2022
Date of commencement of evidence	27.12.2022
Date on which judgment is reserved	27.12.2022
Date of Judgment	27.12.2022
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. Julhas Ali	NIL	NIL	Sec-498(A) of IPC	Acquitted	NIL	NIL

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

P. R. Case No-240 of 2020

State of Assam

-Vs-

Md. Julhas Ali

.....Accused Person

Under section-498(A) of I.P.C

Present:

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

13th day of November, 2022

Mr. N. K. Mishra, Addl. P.P

..... Advocate for the State

Mr. N. Uddin, Ld. Counsel

..... Advocate for the Accused

Date of Hearing : 27.12.2022

Date of Argument : 27.12.2022

Date of Judgment : 27.12.2022

J U D G M E N T

1. Prosecution story in brief is as follows that informant, namely, Must. Ambiya Khatoon lodged an FIR before the O/C of Dhekiajuli Police Station to the effect that her husband Md. Julhas Ali tortured her both mentally and physically since few days back after marriage. It is stated that on 09.01.2020 at about 04:00 PM due to some domestic issues the above-named accused physically assaulted her and also dragged her by pulling her hairs and due to that she sustained injuries. 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. Julhas Ali under section-498(A) of I.P.C.

3. That Ld. Judicial Magistrate First Class in Office took cognizance of the offence against the accused person. On appearance of the accused person copy of relevant document was furnished to the accused person and the charge under section-498(A) of I.P.C. was framed against the accused person 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 this case. Defence plea was total denial. Defence has adduced no evidence. Statement of the accused person has been recorded under section-313 of Cr. P.C.
5. **POINTS FOR DETERMINATION:-**
 - (i.) Whether the accused person being the husband of informant daughter, namely, Must. Ambiya Khatoon had subjected her to cruelty both mentally and physically on various occasion after marriage and thereby committed an offence of cruelty upon her punishable U/S-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 witnesses first brought the informant, namely, Must. Ambiya Khatoon 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 19 years back, she got married with the accused and after that they led conjugal life happily. She further stated that during their conjugal life five children were born. She also stated that two years back an altercation took place between them for some family dispute and after that she left her matrimonial house along with her children. Thereafter, she lodged the ejahar against her husband wherein she put her thumb impression. Later on, they amicably settled the dispute outside the court. She also stated that at present

she does not want to proceed the case against the accused person. The cross-examination of PW-1 was declined by defence side.

8. I have minutely perused the evidence on record including the 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. Julhas Ali is not found guilty.

ORDER

Accused person, namely, Md. Julhas 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 27th 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. Ambiya Khaton	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

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