

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] 20.09.2022</p> <p>[PR Case No-790 of 2020]</p> <p>(FIR NO-1781/2019 DATED-16.09.2019/CRUELTY AGAINST WOMAN CASE AND TEZPUR POLICE STATION)</p>	
COMPLAINANT :	STATE OF ASSAM OR Must. Swapna Begum, D/O:- Md. Idrish Ali, R/O:- Kachakoni Solmara, P/S:- Tezpur, Dist:- Sonitpur, Assam
REPRESENTED BY	Mrs. Karabi Das, Ld. Asst. P.P
ACCUSED PERSON	Md. Nasiruddin Haque, S/O:- Md. Nurul Haque, R/O:- Pungpani, P/S:- Tezpur, Dist:- Sonitpur, Assam
REPRESENTED BY	Mrs. Niramoni Baruah, Ld. Counsel Md. Rupjyoti Baruah, Ld. Counsel

APPENDIX-13

Date of Offence	06.09.2019
Date of FIR	16.09.2019
Date of Charge Sheet	16.09.2019
Date of Framing of Charge	24.06.2022
Date of commencement of evidence	20.09.2022
Date on which judgment is reserved	20.09.2022
Date of Judgment	20.09.2022
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. Nasiruddin Haque	NIL	NIL	Sec-498(A) of IPC	Acquitted	NIL	NIL

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

P. R. Case No-790 of 2020

State of Assam

-Vs-

Md. Nasiruddin Haque

.....Accused Person

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

Present:

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

16th day of September, 2022

Mrs. Karabi Das, Asst. P.P Advocate for the State

Mrs. N. Baruah, Ld. Counsel Advocate for the Accused

Date of Hearing : 20.09.2022

Date of Argument : 20.09.2022

Date of Judgment : 20.09.2022

J U D G M E N T

1. Prosecution story in brief is as follows that the informant Must. Swapna Begum lodged an FIR before the O/C of Tezpur Police Station to the effect that she got married with the accused namely, Md. Nasiruddin Haque around two years back (From the date of filing ejahar) as per Islamic rites and ritual and thereafter, both were started leading their conjugal life as husband and wife and out of the said wedlock a girl child was born to them. It is also stated that after birth of the said girl child the accused demanded Pulsar Bike from her and asked her to bring the same from her parental house. It is further stated that on 06.09.2019 the accused assaulted her and drove her out from her matrimonial house along with her minor daughter. It is also stated that the accused tortured her both

mentally and physically and further threatened her of dire consequences of her life. Hence, the 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. Nasiruddin Haque 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 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 namely, Must. Swapna Begum on or before 06.09.2019 had subjected her to mental as well as physical torture by demanding a Pulsar Bike on various occasions 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. Swapna 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 2018 she got married with the accused person and led conjugal life happily. After one year she had a quarrel with the accused over

some domestic issue. She stated that after that out of misunderstanding she lodged the ejahar against her husband. She identified her ejahar as P. Ext-1 wherein she put her signature as P. Ext-1(1). She stated that at present they are living happily and she does not want to proceed further against the accused person. 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 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. Nasiruddin Haque is not found guilty.

ORDER

Accused person, namely, Md. Nasiruddin Haque 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 20th day of September, 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. Swapna 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