

**IN THE COURT OF JUDICIAL MAGISTRATE FIRST CLASS
SONITPUR**

Present: MANASHI NEOG, JMFC, SONITPUR

(Date of Judgment: 29.10.2022)

PRC NO. 977/2018

Under Section 498-A of IPC

(FIR No.116/18, registered u/s 498-A, IPC at Chariduar P.S.)

Complainant:	State of Assam
Represented By:	A.K. SAHANI
Accused:	1. AJIT ALI (A1) S/O, Sahed Ali, Vill. Gudamghat, P.S. Chariduar, District- Sonitpur.
Represented By:	P.S. Sethi

Date of Offence	Continuous
Date of FIR	20.04.2018
Date of Charge sheet	30.04.2018
Date of Framing of Charges	29.10.2022
Date of commencement of evidence	29.10.2022
Date on which judgment is reserved	NA
Date of Judgment	29.10.2022
Date of the Sentencing Order, if any	NA

Accused Details:

Rank of the Accused	Name of Accused	Date of Arrest	Date Release on Bail	Offences charged with	Whether Acquitted or convicted	Sentence Imposed	Period of Detention Undergone during Trail for purpose of Sec. 428 Cr.P.C.
A1	Ajit Ali	NA	NA	S.498-A, IPC	Acquitted	NA	NA

JUDGMENT

1. The informant Rahima Khatun lodged an FIR at Chariduar P.S. alleging cruelty by her husband, Ajit Ali and his family members. She stated that the accused Ajit Ali and his parents have been inflicting physical and mental cruelty upon her since a long time.
2. The ejahar was registered as Chariduar P.S. Case No. 116/18 under Section 498-A, IPC. After investigation of the same charge sheet was submitted against the accused Ajit Ali under Section 498-A, IPC and he was forwarded to face trial before the court.
3. Cognizance was taken and summons was issued. On appearance of the accused person before the court, copies of relevant documents were furnished to him under section 207 of Cr.P.C. After hearing the learned counsel for both the sides and on finding sufficient material to presume that the accused person has committed the offence, charges under section 498-A, IPC was framed which was read over and explained to the accused person to which he pleaded not guilty and claimed to be tried.
4. In support of the case, prosecution examined 1(one) witness. After closure of prosecution evidence, the statement of the accused person under section 313 of Cr.P.C. was dispensed with due to lack of incriminating materials against him. Defence declined to adduce evidence.
5. Heard the argument put forwarded by the learned counsels for both the sides as well as gone through the evidence available on record.

POINT FOR DETERMINATION

- (i) Whether during the subsistence of the marriage of the victim/informant with the accused Ajit Ali he inflicted physical and mental cruelty upon her demanding dowry and that he thereby committed an offence punishable u/s 498-A, IPC?

DISCUSSION, DECISION AND REASONS THEREOF:-

6. In the course of the evidence adduced by the prosecution, it emerged that the informant, Rahima Khatun who was examined as PW-1 did not support the prosecution story. PW-1 proved the ejahar as Exhibit P-1 and her signature as Exhibit P-1(i). PW-1 has deposed that she lodged the complaint out of misunderstanding against her husband as they used to have occasional fights between them. But she has reconciled with him now and is happily living with him along with their children and hence she does not want to prosecute him further. PW-1 has added that she has no objection if the accused person is acquitted in the case. From the evidence of the prosecution witness, it appears that no incriminating material is available against the accused person. It is a clear case of marital discord but the parties have reconciled now. No offence has therefore been made out against the accused person under any section of law.
7. Since the informant/victim has not incriminated the accused person, the case of the prosecution has fallen flat on its face. Hence, the point for determination is decided in the negative.

8. Considering the above, I come to the safe conclusion that, the prosecution has failed to prove the charges under section 498-A, IPC against the accused person. Accordingly, the accused person is found not guilty of the offences charged against and is acquitted.

ORDER

9. The accused Ajit Ali is acquitted of the offence charged with and is set at liberty forthwith. The bail bond furnished by the surety is extended for a period of six months.
10. Given under my hand & seal of this Court and delivered in the open Court on this 29th day of October, 2022.

Typed by me:

Manashi Neog
JMFC, Sonitpur

APPENDIX

LIST OF WITNESSES

A. Prosecution:

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
PW1	Rahima Khatun	Informant/Victim

B. Defence Witness, if any: NONE

C. Court Witness, if any: NONE

LIST OF EXHIBITS

A. Prosecution:

Sr. No.	Exhibit Number	Description
1	Exhibit P-1/PW-1	Ejhar

B. Defence Exhibits: NONE

C. Court Exhibits: NONE

D. Material Exhibits: NONE

Manashi Neog
JMFC, Sonitpur