

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

PRESENT: MANASHI NEOG, JMFC, SONITPUR

(Date of Judgment: 17.11.2022)

PR NO. 560/2021

Under Section 498-A of IPC

(FIR No.187/19, registered u/s 498-A, IPC at Jamuguri P.S.)

Complainant:	State of Assam
Represented By:	A.K. SAHANI
Accused:	1. UMED ALI (A1) S/O Ramjan Ali, Vill. 2 No. Medhichuburi, P.S. Dhekiajuli District- Sonitpur.
Represented By:	S. DAS

Date of Offence	Continuous
Date of FIR	06.04.2021
Date of Charge sheet	30.06.2021
Date of Framing of Charges	16.08.2022
Date of commencement of evidence	17.11.2022
Date on which judgment is reserved	NA
Date of Judgment	17.11.2022
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	Umed Ali	NA	NA	S.498-A, IPC	Acquitted	NA	NA

JUDGMENT

1. The informant Abdul Jalil lodged an FIR at Dhekiajuli P.S. alleging cruelty meted out to his daughter by her husband, Umed Ali in demand for dowry. He stated that the accused has been inflicting physical and mental cruelty upon his daughter, Jarina Khatoon since a long time.
2. The ejahar was registered as Dhekiajuli P.S. Case No. 178/21 under Section 498(A), IPC. After investigation of the same charge sheet was submitted against the accused Umed 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 2(two) witnesses. 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, Jarina Khatoon with the accused Umed 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, Abdul Jali who was examined as PW-1 did not support the prosecution story. PW-1 proved the ejahar as Exhibit P-1. PW-1 has deposed that he lodged the complaint out of anger and misunderstanding against his son in law as his daughter and the accused used to have occasional fights between them. But she has reconciled with him now and is happily living with him along with their son and hence he does not want to prosecute him further. PW-1 has added that he has no objection if the accused person is acquitted in the case. PW-2, Jarina Khatoon also deposed that the ejahar was filed by the informant against the accused out of anger during one occasion when she had a fight with the accused. She deposed that she has reconciled with him and is happily living with him with their 2 ½ year old son. PW-2 further added that she has no objection if the accused is acquitted in the case. From the evidence of the prosecution witnesses, 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 Umed Ali is acquitted of the offence charged with and are 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 17th day of November, 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	Abdul Jall	Informant
PW2	Jarina Khatoon	Victim/Eye witness

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