

APPENDIX-12

<u>IN THE COURT OF CHIEF JUDICIAL MAGISTRATE, SONITPUR</u> <u>TEZPUR</u>	
Present:- Sri Nabajit Bhatta. AJS. MA, LL.B. Chief Judicial Magistrate, Sonitpur, Tezpur	
[Date of the Judgment] 14.11.2022	
[PR Case No-557 of 2020]	
(FIR NO-133/2019 DATED-18.09.2019/CRUELTY AGAINST WOMAN CASE AND MISSAMARI POLICE STATION)	
COMPLAINANT :	STATE OF ASSAM OR Must. Rumena Khatoon, W/O:- Md. Nurjamal Ali, R/O:- Lakhupara, P/S:- Missamari, Dist:- Sonitpur, Assam
REPRESENTED BY	Mr. Nalini Kanta Mishra, Ld. Addl. P.P
ACCUSED PERSONS	1. Md. Nurjamal Ali, S/O:- Md. Fakaruddin, R/O:- Lakhupara, P/S:- Missamari, Dist:- Sonitpur, Assam 2. Must. Jamila Khatoon W/O:- Md. Fakaruddin R/O:- Lakhupara, P/S:- Missamari, Dist:- Sonitpur, Assam
REPRESENTED BY	Mr. Najrul Islam, Ld. Counsel

APPENDIX-13

Date of Offence	16.09.2019
Date of FIR	17.09.2019
Date of Charge Sheet	30.09.2019
Date of Framing of Charge	10.11.2022
Date of commencement of evidence	14.11.2022
Date on which judgment is reserved	14.11.2022
Date of Judgment	14.11.2022
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. Nurjamal Ali	NIL	NIL	Sec-498(A) of IPC	Acquitted	NIL	NIL
A-2	Must. Jamila Khatoon	NIL	NIL	Sec-498(A) of IPC	Acquitted	NIL	NIL

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

P. R. Case No-557 of 2020

State of Assam

-Vs-

1. Md. Nurjamal Ali
2. Must. Jamila Khatoon

.....Accused Persons

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

Present:

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

14th day of November, 2022

Mr. N. K. Mishra, Addl. P.P Advocate for the State
Mr. N. Islam, Ld. Counsel Advocate for the Accused

Date of Hearing : 14.11.2022
Date of Argument : 14.11.2022
Date of Judgment : 14.11.2022

J U D G M E N T

1. Prosecution story in brief is as follows that on 17.09.2019 the informant Must. Rumena Khatoon lodged an FIR before the O/C of Missamari Police Station to the effect that on 16.09.2019 at about 08:45 PM, the accused persons dragged her by pulling her hair and further physically assaulted her by way of giving fist blows and due to that she sustained injuries on her person. It is also stated that presently, she is five months pregnant. It is further stated that the accused persons tortured her by demanding dowry and told her to bring the money from her parental house. It is stated that prior to this incident, the accused persons tortured her both mentally and physically and also drove her out from

her matrimonial house. It is also stated that the accused persons threatened her of dire consequences of her life. 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 persons, namely, Md. Nurjamal Ali and Must. Jamila Khatoon under section-498(A) of I.P.C.
3. That my Ld. Predecessor in Office took cognizance of the offence against the accused persons. On appearance of the accused persons, copies of relevant documents were furnished to the accused persons and the charge under section-498(A) of I.P.C. was framed against the accused persons and the said charge was read over and explained to the accused persons to which they 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. Statements of accused persons have been recorded under section-313 of Cr. P.C.

5. **POINTS FOR DETERMINATION:-**

- (i.) Whether the accused persons being the husband and the mother-in-law of informant namely, Must. Rumena Khatoon on 16.09.2019 at about 08:45 PM subjected her to cruelty both mentally and physically by demanding dowry and subsequently, the accused persons physically assaulted her by way of giving slaps, fist blows etc. and caused her injuries and thereby committed an offence 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. Rumena Begum as PW-1. The PW-1 has stated in her evidence-in-chief that she knows the accused persons and they are her

husband and mother-in-law. She stated that 8 years ago, she got married with the accused Nurjamal Ali and led conjugal life happily. She further stated during their conjugal life two children were born. She also stated that in the year 2020, one day she had a quarrel with the accused over some domestic issue and after that she left her matrimonial house and out of misunderstanding she lodged the ejahar against her husband and her mother-in-law. She identified her ejahar as P. Ext-1 wherein she put her signature as P. Ext-1(1). She stated that at present, she has been resided with her husband at her matrimonial house happily and therefore, she does not want to proceed further against the accused persons. In cross-examination, PW-1 has stated that she has no objection if the accused persons are 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 persons. 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 persons U/S: 498(A) of I.P.C. Hence, the accused persons, namely, Md. Nurjamal Ali and Must. Jamila Khatoon are not found guilty.

ORDER

Accused persons, namely, Md. Nurjamal Ali and Must. Jamila Khatoon are acquitted from the Charge under section-498(A) of I.P.C. and set at liberty forthwith.

Bail-bonds of the accused persons are 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 14th day of November, 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. Rumena Khatoon	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	Ejhar
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