

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

**TEZPUR, ASSAM**

**G.R CASE NO:2940 OF 2018**

**P.R CASE NO: 126 OF 2019**

**U/S 498(A) of the Indian Penal Code**

State of Assam

.....PROSECUTOR

**-Vs.-**

Anowar Hussain

S/o Md. Abdul Motiu

Village- Khagarijan

P.S-Thelamara, Dist- Sonitpur

.....ACCUSED

**PRESENT: VISHEK BHUYAN, LL.M, AJS**

**JUDICIAL MAGISTRATE FIRST CLASS, TEZPUR**

FOR PROSECUTION: LD. APP. Mr Tapan Das

FOR THE ACCUSED: M. Rahman, N. Uddin, R. Ali, F.Islam

EVIDENCE RECORDED: 06.01.2022

ARGUMENTS HEARD ON: 06.01.2022

JUDGEMENT DELIVERED ON: 11.01.2022

## **JUDGMENT**

1. The accused person Anowara Hussain stood trial for offences punishable under Sections 498(A) of Indian Penal Code (hereinafter IPC).

### **Information and Investigation**

2. The genesis of this case has its roots with the lodging of Ejahar by informant Md. Umar Ali that his daughter Roymon Nessa got married to the accused about a year ago but since a few days after marriage the accused person started to physically and mentally torture his daughter. The accused has also forced his daughter to consume a pill in order to abort the pregnancy. As a result of which on 27.06.2018 his daughter became unhealthy and she was admitted to Tezpur Medical college and hospital for treatment. Hence this case was lodged.
3. The complaint was forwarded for investigation and it was registered as Thelamara P.S. Case no. 134/19 U/s 498(A) IPC. Charge sheet was submitted U/s 498(A) of IPC.

### **Trial**

4. Cognizance was taken of the Charge sheeted offences and processes were issued upon which the accused person appeared and copies of the relevant documents were furnished to them in compliance with section 207 of Code of Criminal Procedure (hereinafter referred as Cr PC). The particulars of the offences were explained to the accused person, to which he pleaded not guilty and claimed to be tried.
5. In this case, the prosecution has examined the informant as PW-1 and the victim as PW-2. Considering testimony of the informant, the prosecution declined to further adduce evidence in this case. Hence, the evidence of prosecution side is closed. Examination of accused person u/s 313 Cr PC dispensed with as the prosecution did not adduce any implicating evidence against them.
6. After hearing the learned Counsel of both sides and after perusal of the case record, I do hereby frame the following points of determination.

### **POINTS FOR DETERMINATION**

- i. Whether the accused person Anowar Hussain being the husband of the victim Anowar Hussain had subjected her to cruelty both physically and mentally after marriage with a view to coerce her and thereby committed an offence punishable U/s 498(A) IPC?***

### **PROSECUTION EVIDENCE**

#### **Evidence of the informant**

7. **P.W 1 Umar Ali** is the informant in this case. He states that the accused is his son-in-law and the altercation took place between his daughter and the accused. The matter has presently been settled between the two sides and holds no grievance against the accused.
8. **In his cross-examination**, he states that he doesn't want to proceed with the case.
9. **P.W 2 Roimal Nessa** is the victim, she states that the accused is her husband and presently the matter has been settled amicably among them.
10. **In her cross-examination** she states that she doesn't want to proceed with the case.

### **DISCUSSIONS, DECISIONS AND REASONS THEREOF**

11. Upon a perusal of the evidence, it is clear that the informant and the victim of this case does not wish to proceed with the case, as the case was lodged due some misunderstanding but since then the matter has been resolved among the two parties amicably and has no issue if the accused is acquitted of the charges brought against him.
12. As such the prosecution has failed prove that the accused person have committed the offences u/s 498(A) IPC beyond reasonable doubt.

**ORDER**

In light of the above, it is held that the prosecution has failed to prove the case U/s 498(A) of IPC against the accused Anowar Hussain beyond all reasonable doubt. Hence, he is hereby **acquitted** and set at liberty forthwith.

However, his bail bond shall remain in force for a period of next 6(six) months as provided by section 437A Cr PC.

Given in my hand and under the seal of this court on this the 11<sup>th</sup> day of January, 2022.

Typed by Me:

(Mr Vishek Bhuyan)  
Judicial Magistrate First Class  
Sonitpur, Tezpur

**APPENDIX**

**Prosecution Witness:**

PW-1: Umar Ali

PW-2: Roimol Nessa

**Defence Witness:**

NIL

**Prosecution Exhibits:**

NIL

**Defence Exhibits:**

NIL

(Mr Vishek Bhuyan)  
Judicial Magistrate First Class  
Sonitpur, Tezpur

