

IN THE COURT OF SUB-DIVISIONAL JUDICIAL MAGISTRATE(S),
MUSHALPUR, BAKSA.

PRESENT: ARUNIMA SONOWAL

Sub- Divisional Judicial Magistrate,(S) Mushalpur, Baksa

PRC no. 190/2018

U/s 498(A)/323/34 of Indian Penal Code (IPC)

State

-vs

Md. Sah Alam

S/o. Md. Abu Bakkar

Md. Abu Bakkar

S/o. Lt. Mofel Ali

Village- Kaimari

P.S- Salbari, Baksa (Assam).....accused persons

Dates of evidence:- 19/01/2021

Date of Argument:- 19/01/2021

Date of judgment:- 19/01/2021

Advocates:

For the prosecution:- Smti. Richa Swargiary, A.P.P

For the accused person:- Advocate Smti. Swamshri Kachary

JUDGMENT

1. The case of the prosecution in brief as mentioned in the FIR lodged by the informant Musstt. Banesa Khatun is that after one month of her marriage with the accused person Shah Alam, she is tortured both mentally and physically by her husband and her in-laws for dowry. On

22/09/2011 she left matrimonial home on account of the alleged tortures of the accused persons. Consequently, the informant lodged the ejahar in the Ananda Bazar police outpost under Salbari police station to this effect.

2. After receiving the Ejahar police registered a case and started investigation of the case. During investigation accused persons were arrested. After completion of the investigation the I/O has submitted charge sheet u/s. 498(A)/323 of I.P.C. The accused persons obtained bail and are remaining on bail.
3. At the time of their appearance, the accused persons were supplied with the copies u/s 207 of I.P.C. Upon hearing both the parties and considering the relevant documents in the case, it was found that a prima facie case exists against the accused persons u/s 498(A)/323/34 of I.P.C and so charges framed against the accused persons u/s 498(A)/323/34 of IPC which were read over and explained them to which they pleaded not guilty and claimed to be tried.
4. The prosecution side has examined as many as one (1) witness. Thereafter evidence of prosecution was closed by Id. A.P.P.
5. Examination of accused person u/s 313 Cr.P.C was dispensed with as no incriminating material was found against the accused persons from the evidence of the witness.
6. I have heard the arguments advanced by the learned counsel for the accused persons as well as the A.P.P for the State and also perused the case record carefully.
7. **POINTS FOR DETERMINATION IN THIS CASE:**
 - i. Whether the accused persons being the husband and relative of husband of the informant subjected her to cruelty for dowry and thereby committed an offence u/s 498(A)/34 of IPC or not?
 - ii. Whether the accused persons voluntarily caused hurt to the informant and thereby committed an offence u/s 323/34 of IPC or not?

REASONS FOR THE DECISION:

8. PW1, the informant of the case deposed that accused persons are her husband and father-in-law. She said that on some domestic issues some conflicts arose between her and the accused persons. Out of some misunderstandings she lodged this case. Exhibit-1 is her FIR and Exhibit-1(1) is her signature on it.
9. From all these, it is seen that there is nothing on record which proves that accused persons being the husband and father-in-law of the informant subjected her to cruelty, as charges levelled against them in the instant case. It is clear from the evidence of the victim (PW1) that the instant case is the result of some misunderstandings between the parties and nothing else.
10. Considering all these, I have found prosecution could not prove their case against the accused persons u/s 498(A)/323/34 I.P.C. Therefore the accused persons are not found guilty of the alleged offences u/s 498(A)/323/34 of IPC and they are entitled to acquittal.

ORDER

11. I have found the accused persons not guilty of the offences u/s 498(A)/323/34 of IPC as charge leveled against them and hence I acquit them from this case. They are released and set at liberty forthwith. Bail bonds of the said accused persons shall stand cancelled automatically after expiry of period of six months.
12. The case is disposed of on contest.
13. Given under my hand and seal of the court on this 19th day of January/2021.

ARUNIMA SONOWAL

SUB- DIVISIONAL JUDICIAL MAGISTRATE(S)

MUSHALPUR, BAKSA

A P P E N D I X

Prosecution Witnesses

1. PW-1: Musstt. Banesa Khatun
2. Exhibit-1: Ejahar
3. Exhibit-1(1): Signature of Musstt. Banesa Khatun

Defence Witnesses

Nil.

ARUNIMA SONOWAL

SUB- DIVISIONAL JUDICIAL MAGISTRATE(S)

MUSHALPUR, BAKSA