

**IN THE COURT OF JUDICIAL MAGISTRATE 1<sup>ST</sup> CLASS,  
LAKHIMPUR, NORTH LAKHIMPUR.**

**GR CASE NO.510/2019**  
**U/S 498A IPC**

**PRESENT:**

**SMT. SWEETY BHUYAN**  
Judicial Magistrate 1<sup>st</sup> Class  
Lakhimpur, North Lakhimpur.

**PARTIES:**

STATE OF ASSAM

Vs

MD. USMAN GONI @ NIKHIL

..... **ACCUSED PERSON**

**Appearance:**

For the State .....: MR. JANGKI DOLEY

For the accused person .....: MR. DEBEN NATH

Date of Evidence .....: 24.01.2020

Date of Argument .....: 24.01.2020

Date of Judgment .....: 12.03.2020

**JUDGMENT**

1. The accused person, namely, **Md. Usman Goni @ Nikhil**, S/o Md. Sahadat Hussain, R/o village – Lesai Samoni, Police Station- Panigaon, in the District of Lakhimpur, here in this case has been put to trial to

answer the charges for the offence Punishable under section 498A of the Indian Penal Code.

- 2.** The brief facts of the prosecution case is that the informant is the wife of the accused and after two months of their marriage, the accused started to torture her mentally and physically. The informant also came to know that the accused had illicit relation with other women. The accused said that he married the informant only for money and not for her face. On 02.03.2019 the accused, his mother and brother tortured her. The accused assaulted her severely and, as such, she raised hue and cry and her brother-in-law Sariful Hussain tied her neck with her dupatta and tried to kill her. The accused tried to kill her by pouring kerosene on her. Thereafter, the informant forcefully removed herself from there clutch and ran out and shouted for help. As the neighbours gathered, her life was saved. Her elder brother was informed on phone about the matter and thereafter, the Panigaon Police rescued her. Hence the case.
- 3.** The same was registered as Panigaon Police Station Case No.19/2019 under Sections 498A/325/506/34 of the Indian Penal Code against three persons, namely, Md. Usman Goni @ Nikhil, Md. Sariful Hussain and Mofiza Begum, named in the ejahar. The I.O submitted Charge Sheet against the accused person, namely, Md. Usman Goni @ Nikhil under Section 498A/323 of IPC. The accused person took bail from the court and copies have been furnished to the accused person u/s 207 of the Code of Criminal Procedure.
- 4.** On going through the materials on record, this court is of the opinion that there is sufficient grounds to presume that the accused person has

committed an offence under Section 498A of the Indian Penal Code, which this court is competent to try and adequately punish. Accordingly charge under the said Section is framed and the particulars of the said offences are read over and explained to the accused person, to which he pleaded not guilty and claimed to be tried.

5. In support of the case, the prosecution has adduced 1(one) PW. Defence adduced none. The statement of the accused person u/s 313 CrPC is dispensed with due to lack of incriminating materials.
6. After perusing the case record and hearing both sides the following point of determination is framed:
  - (i) Whether the accused person, being the husband of the informant, after one month of his marriage, mentally and physically tortured the informant by demanding dowry and subjected the informant to cruelty, and thereby committed the offence under section **498A** of the Indian Penal Code?

**Decisions and Reasons for decision:**

7. I have heard the argument from both sides.
8. The PW1/informant stated in her evidence that the accused is her husband. After three months of their marriage, there was some misunderstanding between her and her husband on some household matters, and as such, she lodged the case out of anger against the accused. Since 15 days they both have been staying together peacefully. The accused did not demand any dowry from her and neither he tortured her. Due to the continuous quarrels between them, she lodged this case.

In cross-examination, she stated that she has no objection if the accused person is acquitted. She has no grievances against him.

**9.** This is a case under Section 498A IPC, where the PW1 who is the victim/informant of this case stated in her evidence that after their marriage there was some misunderstanding between her and her husband on some household matters, and as such, she lodged the case out of anger against the accused. Since 15 days they both have been staying together peacefully. The accused did not demand any dowry from her and neither he tortured her. Due to the continuous quarrels between them, she lodged this case. In her cross-examination, the PW1 stated that she has no grievances against the accused person and has no objection if the accused person is acquitted.

**10.** The PW1 did not state about any offence committed by the accused person. The PW1 is the main witness being the informant, she did not support her own case and failed to depose anything against the accused.

**11.** Hence, summing up all that has been discussed above, the prosecution has failed to prove the guilt of the accused person u/s 498A of the Indian Penal Code beyond reasonable doubts thereby making them not guilty under the said Section.

**(Contd....)**

**ORDER**

As this court finds the accused person, namely, **Md. Usman Goni @ Nikhil** and not guilty of the offence u/s 498A of the Indian Penal Code, the accused person is acquitted of the charges u/s 498A of the Indian Penal Code.

The accused person is set at liberty forthwith.

The bail bond is extended for 6 (six) months from today.

The judgment is pronounced in the open court.

Given under my hand and seal of this court on 12<sup>th</sup> of March, 2020.

(SMT. SWEETY BHUYAN)  
JUDICIAL MAGISTRATE 1<sup>ST</sup> CLASS  
Lakhimpur, North Lakhimpur

Dictated & Corrected by me:

(SMT. SWEETY BHUYAN)  
JMFC, NORTH LAKHIMPUR

Typed by me:

Kumar Gaurav (Steno)

**APPENDIX**

**Prosecution witnesses**

1. PW1 : AFRINA KHATOON

**Defence witnesses**

Nil.

**Documents exhibited by the prosecution**

1. Ext.1: EJAHAR

**Documents exhibited by the Defence**

Nil.

(SMT. SWEETY BHUYAN)  
JUDICIAL MAGISTRATE 1<sup>ST</sup> CLASS  
Lakhimpur, North Lakhimpur

Dictated & Corrected by me:

(SMT. SWEETY BHUYAN)  
JMFC,NORTH LAKHIMPUR

Typed by me:

Kumar Gaurav (Steno)