

**IN THE COURT OF SUB DIVISIONAL JUDICIAL MAGISTRATE  
(SADAR), NORTH LAKHIMPUR, LAKHIMPUR**

**GR CASE NO: 622/2017**

**U/S 498-A of IPC**

**State**

**- Versus -**

**Md. Sahazuddin**

**.....Accused Person**

**PRESENT : Smt. Sorbani Bhattacharjee , AJS  
Sub Divisional Judicial Magistrate (Sadar)  
Lakhimpur, North Lakhimpur**

**ADVOCATES APPEARED-**

**FOR THE PROSECUTION : Sri Khirod Kr. Kakoti**

**FOR THE ACCUSED : Md. Toyabur Rahman**

**EVIDENCE RECORDED ON : 24-05-2019**

**ARGUMENT HEARD ON : 07.06.2019**

**JUDGMENT DELIVERED ON : 07.06.2019**

**JUDGMENT**

1. The prosecution story in brief is that about three years prior to the lodging of the FIR the informant got married with the accused as per Islamic rites and rituals and they have two children out of their wedlock. Since the day of her marriage the accused started torturing her physically demanding dowry. The accused used to torture her physically and mentally demanding T.V. and motorcycle. Having no

other alternative her father gave the accused Rs.15,000/-. After few days of getting the money he again on 08.03.2017 at about 11:00 AM, assaulted her demanding money and ousted her from the matrimonial house.

2. The Officer-in-charge, Bihpuria Police Station, on receipt of Ejahar registered Bihpuria Police Station Case No. 187/2017, U/S 498-A/34 of IPC and started investigation. After completion of the investigation, the concerned I.O. submitted charge sheet against the accused person Md. Sahazuddin U/S 498-A of IPC.

3. In due course, the accused person appeared before the Court and the copies of relevant documents were furnished to him as per section 207 of CrPC. Having found a prima facie case against the accused person the charge U/S 498-A of IPC was framed which was read over and explained to him to which he pleaded not guilty and claimed to be tried.

4. The prosecution, in support of its case, examined the informant only as PW-1. As per the submission and prayer of learned Assistant Public Prosecutor, further evidence of prosecution side was closed as the informant-cum-victim of this case has not supported the prosecution story. As there appears no incriminatory evidence against the accused hence recording of his statement U/S 313 of the Code of Criminal Procedure was dispensed. Defence side examined no witnesses. I have heard the arguments advanced by the learned counsels for both sides.

**POINT FOR DETERMINATION:-**

5. *Whether the accused, being the husband of the informant at Kachikata Rangajan under the jurisdiction of Bihpuria P.S., since the day of his marriage with her on several occassion, subjected her to cruelty physically and mentally by demanding dowry and thereby committed an offence punishable U/S 498-A of Indian Penal Code ?*

**DISCUSSION, DECISION AND REASONS THEREOF :**

6. PW-1 Musstt. Mahina Khatoon in her evidence deposed that she is the informant of this case. She knows the accused person who is her husband. About 2 years back one day an altercation took place between she and accused. Out of anger she left his house and lodged this case. They have two children. Now they stay together happily. They have amicably settled this case. She has no grievance against the accused. In the cross-examination she declined.

7. In this case prosecution examined only the informant. From the evidence of the informant on record, it appears that the case was lodged by the informant out of anger after an altercation took place between her and accused on trivial family matters. PW-1 being the informant-cum-victim of this case has not incriminated the accused person with any kind of torture or dowry demand. Her evidence reveals that she has no grievance against the accused and they have amicably settled this case. Now, she is staying peacefully with her husband. There is no iota of evidence in this case to hold the accused guilty. Situated thus, I am of the opinion that the ingredients of the offences u/s 498-A of IPC have not been proved against the accused person beyond all reasonable doubt by the prosecution and hence the accused person is hold not guilty for the alleged offences.

**ORDER**

8. Accordingly, the accused person Md. Sahazuddin is acquitted of the offence U/S 498-A of IPC and he is set at liberty forthwith. The bail bond of the accused person and his surety shall remain in force for a period of 6 months from today as per amended CrPC.

**Given under my hand and seal of this court on this 7<sup>th</sup> day of June, 2019.**

**Smti Sorbani Bhattacharjee, AJS  
Sub Divisional Judicial Magistrate (S)  
Lakhimpur, North Lakhimpur**

**GR 622/2017**

**APPENDIX**

***PROSECUTION EXHIBITS:***

NIL

***DEFENCE EXHIBITS***

NIL

***PROSECUTION WITNESSES :***

(1) Musstt. Mahina Khatoon

***DEFENCE WITNESSES***

NONE

***MATERIAL EXHIBITS***

NIL

**Smt. Sorbani Bhattacharjee, AJS  
Sub Divisional Judicial Magistrate (S)  
Lakhimpur, North Lakhimpur**