

**IN THE COURT OF THE ADDITIONAL CHIEF JUDICIAL MAGISTRATE  
AT NORTH LAKHIMPUR**

G.R CASE NO: 85 OF 2018  
PROSECUTOR: STATE OF ASSAM Vs  
ACCUSED: MD. ABDUL KARIM  
          MD. SARIFUL ISLAM  
          MD. RAIFUL ISLAM  
          MUSSTT. ROHITA BEGUM

DISTRICT: NORTH LAKHIMPUR  
IN THE COURT OF ADDITIONAL CHIEF JUDICIAL  
MAGISTRATE, AT NORTH LAKHIMPUR

GR CASE NO: 85 / 2018

U/S 498(A) OF I.P.C

PROSECUTOR: STATE OF ASSAM

VERSUS

ACCUSED: MD. ABDUL KARIM & 3 ORS

PRESENT: MR. F.U. CHOUDHURY, AJS

ADVOCATE FOR THE PROSECUTION: LD. A.P.P SRI R. DUTTA  
ADVOCATE FOR THE ACCUSED: SMTI M. BEGUM

CHARGE FRAMED ON : 26/11/2019  
EVIDENCE RECORDED ON : 06/03/2021

ARGUMENT HEARD ON : 06/03/2021  
JUDGMENT DELIVERED ON : 06/03/2021

**JUDGMENT**

**PROSECUTION'S CASE IN BRIEF**

1. Prosecution's case in brief as it reveals from the FIR is that informant Musstt. Jesmina Begum got married to accused Md. Sariful Islam on 03/12/2014. After about 08 months of marriage, the above named accused along with his family members as named in the F.I.R started to demand dowry of Rupees 1,00,000/- from the informant and torture her mentally and physically. On 19/12/2017, the accused persons threatened to kill the informant by setting fire on her body if she

fails to pay Rupees 1,00,000/- as demanded by them. The informant then came back to her father's house in order to save herself and subsequently lodged an FIR about the occurrence before the Officer-in-charge of Laluk P.S.

2. On receipt of the F.I.R, the O/C of Laluk P.S registered a case being numbered as Laluk P.S Case No. 09/18. After investigation, I.O of the case submitted charge sheet against accused Md. Abdul Karim, Md. Sariful Islam, Md. Raiful Islam and Musstt. Rohita Befum for the offence punishable under section 498(A) of I.P.C. Copies of relevant documents were furnished to the accused persons u/s 207 CrPC. Considering the relevant documents and hearing both the parties, charge was framed for the offence punishable u/s 498(A) of IPC against the accused persons. The charge was then read over and explained to the accused persons to which they pleaded not guilty and stood to face the trial.

3. The prosecution in support of its case examined one witness whereas the accused did not examine any witness in support of their defence. The examination of the accused persons u/s 313 CrPC was dispensed with finding no incriminating materials against him. I have heard the learned counsel for both the parties.

4. Upon hearing and on perusal of record I have framed the following points for determination-

**POINT FOR DETERMINATION:**

- (i) Whether the accused Md. Sariful Islam married informant Musstt. Jesmina Begum on 03/12/2014, and thereafter all the accused on several dates including 19/12/2017, subjected the informant to torture, both mentally and physically, with a view to coerce her to meet an unlawful demand of dowry; or thereby caused grave injury or danger to her life, limb and health, and thereby committed an offence punishable u/s 498(A) of IPC?

**DISCUSSION OF EVIDENCE, DECISION AND REASONS THEREOF:**

**POINT NO.1**

5. As regards the aforesaid points for determination, informant Musstt. Jesmina Begum as PW-1 in her evidence-in-chief has stated that she got married to accused Md. Sariful Islam about 07 years back. After marriage she started to reside with said accused in his house as husband. After about 03 years of marriage, she had an altercation with the said accused with respect to family matter for which she had to come back to her mother's house. Thereafter, she

lodged an FIR against the accused. Ext-1 is that FIR in which Ext-1(1)& 1(2) are her signature. After lodging of that FIR, the aforesaid dispute between both the parties got settled amicably for which she is not willing to proceed with this case and at present she residing with the said accused in his house as husband & wife. During her cross-examination, PW-1 has stated that she has no objection if the accused is acquitted from this case.

6. At the time of argument, learned counsel for the defence submitted that the prosecution has failed to prove its case as alleged and hence the accused is liable to be acquitted from this case.

7. On going through the evidence deposed by PW-1 as narrated above, it is seen that the informant allegedly got married to accused Md. Sariful Islam and thereafter the informant had some dispute with the accused with respect to family matter for which she had to come back to her mother's house. There is nothing in the evidence of PW-1 which can show that the accused persons ever demanded any dowry or harassed the informant in connection with that demand. The PW-1 has not stated anything about any demand of dowry by the accused persons, or any harassment by the accused persons as alleged in the FIR. A simple altercation between both the parties cannot be interpreted to mean that the accused persons harassed the informant as required u/s 498(A) of IPC. Moreover, the evidence available in the case record nowhere shows that the accused persons caused any grave injury or danger to the life, limb or health of the informant. As such, it is evident that the witness examined by prosecution has not deposed any incriminating material against the accused persons and has failed to prove the case of prosecution as alleged in the FIR.

*DECISION: Point no.1 is therefore decided in the negative and goes against the prosecution.*

### **ORDER**

8. In view of the discussions made above and the decisions reached in the foregoing point for determination, it is held that the witness examined by prosecution has failed to prove that accused Md. Abdul Karim, Md. Sariful Islam, Md. Raiful Islam and Musst. Rohita Befum have committed the offence punishable under section 498(A) of IPC as alleged, and as such, the accused

persons are acquitted of the charges under section 498(A) of IPC and they be set at liberty forthwith.

The bail bond of the accused person shall remain in force for another six months from today.

This judgment is given under my hand, and seal of this court on this the 06<sup>th</sup> day of March, 2021.

The case is disposed of on contest.

F.U. Choudhury  
Additional Chief Judicial Magistrate  
North Lakhimpur

**APPENDIX**

(A) **PROSECUTION EXHIBITS**

Exhibit.1 – F.I.R

(B) **DEFENCE EXHIBITS**

Nil

(C) **PROSECUTION WITNESSES**

P.W. 1 – Musstt. Jesmina Begum

(D) **DEFENCE WITNESSES**

Nil

F.U. Choudhury  
Additional Chief Judicial Magistrate  
North Lakhimpur