

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

G.R CASE NO: 1145 OF 2017  
PROSECUTOR: STATE OF ASSAM Vs  
ACCUSED: MD. FARUK ALI

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

GR CASE NO: 2514 / 2017

U/S 498(A)/294/506 OF I.P.C

PROSECUTOR: STATE OF ASSAM

VERSUS

ACCUSED: MD. FARUK ALI

PRESENT: MR. F.U. CHOUDHURY, AJS

ADVOCATE FOR THE PROSECUTION: LD. A.P.P SRI R. DUTTA  
ADVOCATE FOR THE ACCUSED: MR. BABUL GOGOI

CHARGE FRAMED ON : 25/02/2021  
EVIDENCE RECORDED ON : 24/03/2021

ARGUMENT HEARD ON : 24/03/2021  
JUDGMENT DELIVERED ON : 24/03/2021

**JUDGMENT**

**PROSECUTION'S CASE IN BRIEF**

1. Prosecution's case in brief as it reveals from the FIR is that informant Musst. Anowara Begum is the wife of accused Md. Faruk Ali. The accused and informant are having three children out of their wedlock. Since a few days prior to the lodging of F.I.R, the accused started to harass the informant mentally & physically. The accused frequently rebuked the informant and tried to kill her by stabbing with "dao". The accused threatened that he will cut the informant and her children. The informant thereafter lodged an FIR about the occurrence before the Officer-in-charge of Bihpuria police station.

2. On receipt of the F.I.R, police registered a case being numbered as Bihpuria P.S Case No. 758/17. After investigation, I.O of the case submitted charge sheet against accused Md. Faruk Ali for the offences punishable under section 498(A)/294/506 of I.P.C. Copies of relevant documents were furnished to the accused person u/s 207 CrPC. Considering the relevant documents and hearing both the parties, charges are framed for the offences punishable u/s 498(A)/294/506 of IPC against the above named accused. The charges are then read over and explained to the accused person to which he 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 his defence. The examination of the accused person 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-

**POINTS FOR DETERMINATION:**

- (i) Whether the accused married informant Musstt. Anowara Begum and thereafter on several dates subjected the informant to torture, both mentally and physically, and thereby caused grave injury or danger to her life, limb and health, and thereby committed an offence punishable u/s 498(A) of IPC?
- (ii) Whether the accused on various dates prior to the lodging of the FIR of this case, rebuked the informant verbally by using obscene words in or near any public place to the annoyance of informant or others, and thereby committed an offence punishable under section 294 of IPC?
- (iii) Whether the accused on various dates prior to the lodging of the FIR of this case, threatened the informant with injury to her person, with the intent to cause alarm, and thereby committed an offence punishable under section 506 of IPC?

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

**POINT NO.1 ,2& 3:**

5. For the sake of convenience, and as the point no.1, 2 & 3 are interconnected, hence they are taken up herein together for discussion and decision. As regards the aforesaid points for determination, informant Musstt. Anowara Begum as PW-1 in her evidence-in-chief has stated that she got married to accused Md. Faruk Ali about 17 years back. After marriage she started to reside with the accused in his house as husband & wife. About 3 – 4 years back, she had an altercation with the accused with respect to family matter for which she had to come back to her father's house. Thereafter, she lodged an FIR against the accused. Exhibit-1 is that FIR in which Exhibit-1(1) is 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. At present she is residing with the accused 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 deposited by PW-1 as narrated above, it is seen that the informant allegedly got married to accused Md. Faruk Ali about 17 years back and subsequently the informant had some dispute with the accused with respect to family matter about 3 – 4 years back for which she had to come back to her father's house. There is nothing in the evidence of PW-1 which can show that the accused ever harassed the informant or caused any injury to her. The PW-1 has not stated anything about any harassment or injury caused by the accused, or use of any obscene word or any threat being given by the accused as alleged in the FIR. A simple altercation between both the parties cannot be interpreted to mean that the accused harassed the informant as required u/s 498(A) of IPC. Moreover, the evidence available in the case record nowhere shows that the accused 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 deposited any incriminating material against the accused and has failed to prove the case of prosecution as alleged in the FIR.

*DECISION: Point no.1,2& 3 are 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. Faruk Ali has committed the offence punishable under section 498(A)/294/506 of IPC as alleged, and as such, the accused person is acquitted of the charges under section 498(A)/294/506 of IPC and he 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 24<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. Anowara Begum

(D) **DEFENCE WITNESSES**

Nil

F.U. Choudhury  
Additional Chief Judicial Magistrate  
North Lakhimpur