

**IN THE COURT OF JUDICIAL MAGISTRATE FIRST CLASS**

**North Lakhimpur, Lakhimpur**

**PRESENT: Ms. Sparsita Garg, M.A, LL.M, AJS**

Judicial Magistrate First Class,

Lakhimpur, North Lakhimpur

**P.R. Case No.900/2019**

**State**

**Versus**

**Mohiruddin**

**( Under section 498(A)/323 IPC )**

Charge framed on : 22.03.2021

Evidence recorded on : 22.03.2021

Statements recorded on : Dispensed with

Arguments heard on : 22.03.2021

Judgment delivered on : 22.03.2021

Advocate for the Prosecution : Mr. Jangki Doley

Advocate for the Accused : Smt. Mridusmita B. Saikia

**J U D G E M E N T**

**1.** Accused stood for trial for commission of offence u/s 498(A)/323 IPC.

**2.** The prosecution case is initiated on the basis of written ejahar dated 30.03.2019 stating *inter alia* that the informant was married to accused Mohiruddin according to Islamic rites

and laws and thereafter both the parties started their conjugal life and lived together as husband and wife. Out of the said wedlock two children were born to them. After marriage the accused tormented mental and physical tortures on the informant and also assaulted her. On 27.03.2019 at about 6:00 p.m., there took some altercations between them and the accused stabbed the informant with a knife on her face. The informant sustained to bleeding injuries. The informant submits that the accused demanded her to bring money from her parental house. Hence, this case.

**3.** On receipt of the ejahar, the Incharge of Dolohat Outpost forwarded the ejahar to the Officer-in-Charge of Laluk Police Station and thereafter Officer-in-Charge of Laluk Police Station registered the case as Laluk P.S. case no. 118/2019 u/s 498(A)/324 IPC. Thereafter Investigating Officer launched investigation of the case and submitted chargesheet u/s 498(A)/323 of the Indian Penal Code against the accused namely Md. Mohiruddin.

**4.** Thereafter, cognizance has been taken and summon have been issued to the accused. On appearance of accused, necessary documents required u/s 207 Cr.P.C have been furnished to them. On perusal of the materials on record formal charges u/s 498(A)/323 IPC is read over and explained to the accused to which he pleaded not guilty and claimed to be tried.

**5.** Prosecution in support of its case has examined only one (1) witness.

**6.** Examination of accused u/s 313 Cr.P.C. is dispensed with since no incriminating materials are found against him. Accused denied adducing evidence in defence.

**7.** I have heard the arguments advanced by the learned counsel for the accused and Ld. A.P.P. Perused the materials available in the case record. Upon hearing both the parties and on perusal of the record, following points for determination are

formulated for proper adjudication of this case.

**POINTS FOR DETERMINATION:**

**Point No 1:** Whether the accused being the husband of the informant on several occasions tormented mental and physical tortures on the informant and thereby committed an offence punishable u/s 498 (A) of IPC?

**Point No 2:** Whether the accused on 27.03.2019 at about 6:00 p.m., voluntarily caused hurt to the informant and thereby committed an offence punishable u/s 323 of IPC?

**DISCUSSIONS, DECISIONS AND REASONS THEREOF:**

**8.** Now let me try to decide the above points by appreciating the evidence available in the case record. I have carefully considered the evidence available in the instant case. From the evidence of **P.W-1/informant Musstt. Mamuda Begum**, it reveals that the informant is no more interested to proceed with the case against the accused on the ground that the matter is amicably settled between them. It also reveals that the informant herself has refused to lead evidence against the accused in support of the ejahar lodged in this case by her. Thus, from the little evidence that has been brought before this court in the form of statement made by the informant/P.W-1, it is seen that no offence has been made out against the accused under any section of law. Situated thus, it is found that the informant has failed to implicate the accused of any offence.

**ORDER**

**9.** In view of the above discussions, I am of the considered opinion that, prosecution has failed to establish the case against accused namely Md. Mohiruddin. Accordingly, accused is acquitted of the charge u/s 498(A)/323 IPC levelled against him in this instant case.

- 10.** Set the accused at liberty forthwith.
- 11.** The bail bond for the accused are extended for a further period of six (6) months.
- 12.** The case is disposed of on contest accordingly.

Given under my hand and seal on this 22<sup>nd</sup> day of March, 2021  
at North Lakhimpur, Lakhimpur.

(Ms. Sparsita Garg)  
Judicial Magistrate First Class  
Lakhimpur, North Lakhimpur

**APPENDIX**

**A. WITNESS OF PROSECUTION:**

1. P.W.1 : Musstt. Mamuda Begum

**B. EXHIBITS OF PROSECUTION:**

1. Exhibit 1 : Ejahar
2. Exhibit 1(1): Signature of the informant

**C. WITNESS OF DEFENCE: NIL**

**D. EXHIBITS OF DEFENCE: NIL**

(Ms. Sparsita Garg)  
Judicial Magistrate First Class  
Lakhimpur, North Lakhimpur