

**IN THE COURT OF JUDICIAL MAGISTRATE 1ST CLASS,
LAKHIMPUR, NORTH LAKHIMPUR.**

GR CASE NO.2950/2016
U/S 498A IPC

PRESENT:

SMT. SWEETY BHUYAN
Judicial Magistrate 1st Class
Lakhimpur, North Lakhimpur.

PARTIES:

STATE OF ASSAM

Vs

KHALIDUL ISLAM

..... **Accused person**

Appearance:

For the State: MR. JANGKI DOLEY

For the accused person: MR. PANKAJ SAIKIA

Dates of Evidence: 01.04.2019

Date of Argument: 01.04.2019

Date of Judgment: 01.04.2019

JUDGMENT

1. The accused person, namely, **Khalidul Islam**, S/O Md. Nur Islam, R/o village- Mornoi Grazing, P.S.- Bihpuria, 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 about five years ago the informant got married with the accused Md. Khalidul Islam, but he alongwith his family members since after few days of her marriage, they demanded dowry also. On 11.11.2016 at about 9 A.M., all the accused persons instigated her husband. As a result her husband tortured her physically and assaulted grievously. The informant is getting nine months pregnancy and she has one little child aged about two and half years. Hence, the case and the same was registered as Bihpuria Police Station Case No.850/2016 under Sections 498A/325/506/34 IPC read with Section 4 of the Dowry Prohibition Act against four persons, namely, Md. Khalidul Islam, Khudeja Khaton, Md. Nijam Ali and Md. Soriful Islam named in the ejahar. The I.O submitted Charge Sheet against the accused Md. Khalidul Islam under Sections 498A of IPC. The accused person took bail from the court and copy has been furnished to the accused u/s 207 CrPC.
- 3.** After perusing CR, formal charges u/s 498A IPC were framed, and thereafter, read over and explained to the accused person to which he pleaded not guilty and claimed to be tried.
- 4.** 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.
- 5.** After perusing the case record and hearing both sides the following points of determination are framed:

The Point for Determination:

- (i) Whether, the accused being the husband of the informant, after the marriage of the informant, 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 and within my cognizance.

Decisions and Reasons for decision:

- 6.** I have heard the argument from both sides.
- 7.** The PW1/informant, Nurun Nehar Begum, stated in her evidence that her marriage was solemnized in the year 2012 with the accused. The incident took place on 08.02.2012. There was a quarrel between her and her husband on some household matter, and as such, she left his house but after few days, she again returned to his house. They have been living together since two years peacefully and happily. She lodged this case out of anger and misunderstanding. She does not want to continue this case against her husband.
- 8.** This is a case under Section 498A IPC, where the PW1 who is the victim/informant of this case stated in her evidence that there was only a quarrel between her and the accused on some household matter, and she lodged this case out of anger and misunderstanding. Presently they both have been residing together happily and peacefully. She does not want to continue this case against the accused.
- 9.** The PW1 did not state about any offence committed by the accused person. The PW1 is the main witness being the informant/victim, she did not support her own case. Hence, the guilt of the accused person could not be established by the prosecution. Hence the accused person is

hereby not found guilty of the offence u/s 498A of the Indian Penal Code.

- 10.** 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 doubt.

(Contd....)

ORDER

As this court finds the accused person, namely, **Khalidul Islam** 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 1st of April, 2019.

(SMT. SWEETY BHUYAN)
JUDICIAL MAGISTRATE 1ST CLASS
Lakhimpur, North Lakhimpur

Dictated & Corrected by me:

(SMT. SWEETY BHUYAN)
JMFC,NORTH LAKHIMPUR

Transcribed & typed by me:

Kumar Gaurav (Stenographer)

APPENDIX

Prosecution witnesses

1. PW1 : NURUN NEHAR BEGUM

Defence witnesses

Nil.

Documents exhibited by the prosecution

1. Ext.1: Ejahar

Documents exhibited by the Defence

Nil.

(SMT. SWEETY BHUYAN)
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