

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

GR CASE NO.1998/2016
U/S 498A IPC

PRESENT:

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

PARTIES:

STATE OF ASSAM

Vs

1. MD. JABBOR ALI

2. MUSSTT. JARINA BEGUM

..... **ACCUSED PERSONS**

Appearance:

For the State: MR. JANGKI DOLEY

For the accused persons: MR. G. SAHU

& MR. DIGANTA BHATTACHARYA

Date of Evidence: 18.09.2019

Date of Argument: 18.09.2019

Date of Judgment: 19.10.2019

**(After argument the date of judgment was fixed on
27.09.2019, but on that day T.M. was on casual leave and
the judgment was again fixed on 11.10.2019, but on that
day the T.M. was availing civil holiday, and therefore, the
date of judgment was fixed on 19.10.2019)**

JUDGMENT

- 1.** The accused persons, namely, **Md. Jabbar Ali**, S/o Late Julmat Ali and **Musstt. Jarina Begum**, W/o Late Julmat Ali, Both are R/o - No.1 Raunapur, P.S.- North Lakhimpur, in the District of Lakhimpur, here in this case have 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 the accused Jabbar Ali is the husband of the informant and the accused Jarina Begum is the mother-in-law of the informant. After two months of their marriage, the accused Jabbar Ali being provoked by his mother started demanding dowry and tortured the informant mentally and physically. On 01.08.2016, while nobody was present in the house of the informant, the accused Jabbar Ali opened the box and stole cash of Rs.10,130/-, three silver nose rings, silver chain and also took away his own clothes from the house of the informant and went away to his house. The accused also threatened that if she lodge any case, then he will take her to his house and will kill her and hang her. That the accused Jabbar Ali has been staying in the house of the informant as a "Ghar-Jowai" after their marriage. Hence, the case and the same was registered as North Lakhimpur Police Station Case No.804/2016 under Sections 498A/380/34 of the Indian Penal Code read with Section 4 of the Dowry Prohibition Act against Md. Jabbar Ali and Musstt. Jarina Begum, named in the ejahar. The I.O submitted Charge Sheet against both the accused persons, namely, Md. Jabbar Ali and Musstt. Jarina Begum under Sections 498A/34 of IPC read with Section 4 of the Dowry Prohibition Act. The accused persons took bail from the court and copies have been

furnished to the accused persons u/s 207 of the Code of Criminal Procedure.

3. On going through the materials on record, this court is of the opinion that there is sufficient grounds to presume that the accused persons have committed an offence under Section 498A of the Indian Penal Code, which this court is competent to try and adequately punish. Accordingly charges under the said Section is framed and the particulars of the said offences are read over and explained to the accused persons, to which they 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 persons 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 point of determination is framed:
 - (i) Whether the accused persons, being the husband and mother-in-law of the informant, namely, Sushmita Begum, after two months of marriage, 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?

Decisions and Reasons for decision:

6. I have heard the argument from both sides.
7. The PW1/informant stated in her evidence that the accused Jabbar Ali is her husband and another accused Jarina Begum is her mother-in-law. She lodged this case as because there are some domestic quarrels

between her and the accused persons and she misunderstood them. Out of anger, she lodged this case. Since last two and half years, she has been residing together with the accused persons peacefully.

In cross-examination, she stated that she has a son. She has no objection if the accused persons are acquitted. She has no grievances against them.

- 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 some misunderstanding between her and the accused persons and out of anger, she lodged this case. Since last two and half years, they have been staying together peacefully. In her cross-examination, the PW1 stated that she has no grievances against the accused persons and has no objection if the accused persons are acquitted.
- 9.** The PW1 did not state about any offence committed by the accused persons. The PW1 is the main witness being the informant, she did not support her own case.
- 10.** Hence, summing up all that has been discussed above, the prosecution has failed to prove the guilt of the accused persons u/s 498A of the Indian Penal Code beyond reasonable doubts thereby making them not guilty under the said Section.

(Contd....)

ORDER

As this court finds the accused persons, namely, **Md. Jabbor Ali** and **Musstt. Jarina Begum** not guilty of the offence u/s 498A of the Indian Penal Code, the accused persons are acquitted of the charges u/s 498A of the Indian Penal Code.

The accused persons are set at liberty forthwith.

The bail bonds are 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 19th of October, 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 : Sushmita Begum

Defence witnesses

Nil.

Documents exhibited by the prosecution

1. Ext.1: Ejahar

Documents exhibited by the Defence

Nil.

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

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