

**IN THE COURT OF SUB DIVISIONAL JUDICIAL MAGISTRATE  
(SADAR), NORTH LAKHIMPUR, LAKHIMPUR**

**GR CASE NO: 1434/2015**

**U/S 498-A of IPC**

**State**

**-Versus-**

**Md. Abdul Mutaleb**

**.....Accused Person**

**PRESENT : Smt. Sorbani Bhattacharjee , AJS  
Sub Divisional Judicial Magistrate (Sadar)  
Lakhimpur, North Lakhimpur**

**ADVOCATES APPEARED-**

**FOR THE PROSECUTION : Sri Khirod Kr. Kakoti**

**FOR THE ACCUSED : Md. Muksed Ali,  
Md. Syed Nur Ahmed and  
Sri Ranjan Kumar Saha**

**EVIDENCE RECORDED ON : 30.05.2019 & 10.06.2019**

**ARGUMENT HEARD ON : 10.06.2019**

**JUDGMENT DELIVERED ON : 10.06.2019**

**JUDGMENT**

1. The prosecution story in brief is that the daughter of the informant got married with the accused Abdul Mutaleb about four months prior to lodging FIR. Since the day of her marriage the accused along with the other FIR-named accused

person used to torture her physically and mentally demanding money. Once they also tried to set her on fire. On 20.07.2015 at about 5:30 PM, the daughter of the informant gone missing from her matrimonial house. Hence, on the next day informant lodged this case.

2. The Officer-in-charge, Bihpuria police station, on receipt of Ejahar registered Bihpuria Police Station Case No. 259/2015, U/S 498-A/307 of IPC and started investigation. After completion of the investigation, the concerned I.O. submitted charge sheet against the accused person Md. Abdul Mutaleb U/S 498-A of IPC.

3. In due course, the accused person appeared before the Court and the copies of relevant documents were furnished to him as per section 207 of CrPC. Having found a prima facie case against the accused person the charge U/S 498-A of IPC was framed which was read over and explained to him to which he pleaded not guilty and claimed to be tried.

4. The prosecution, in support of its case, examined two witnesses including the informant. As per the submission and prayer of learned Assistant Public Prosecutor, further evidence of prosecution side was closed as the informant and victim of this case have not supported the prosecution story. As there appears no incriminatory evidence against the accused hence recording of his statement U/S 313 of the Code of Criminal Procedure was dispensed. Defence side examined no witnesses. I have heard the arguments advanced by the learned counsels for both sides.

**POINT FOR DETERMINATION:-**

*Whether the accused being the husband of Musstt. Jesmina Begum at No.2 Sonapur, under the jurisdiction of Bihpuria P.S., since after marriage with the informant on several occasions subjected her to cruelty physically and mentally by demanding dowry and thereby committed an offence punishable U/S 498-A of Indian Penal Code ?*

**DISCUSSION, DECISION AND REASONS THEREOF:**

5. PW-1 Musstt. Hanufa Khatun in her evidence deposed that she is the informant of this case. She knows the accused person who is her son-in-law. In the year, 2015 an altercation took place between the accused and her daughter. Thereafter, she returned back to her house. Out of misunderstanding she lodged this case. Now her daughter and accused have amicably settled the matter between them. Her daughter again got married to another person. She has no grievance against the accused. Defence declined to cross-examine him.

6. PW-2 Musstt. Jesmina Begum in her evidence deposed that she knows the informant who is her mother. She also knows the accused who was her first husband. About four years back one day an altercation took place between her and accused. Out of anger, she lodged this case and left his house. After few days she got married with Shoriful Islam. She has no grievance against the accused. Accused neither demanded any money from her nor tortured her.

7. From the evidence on record, it appears that the case was lodged by the informant out of misunderstanding after an altercation took place between her daughter (PW-2) and accused. PW-1 being the informant and PW-2 being the victim herself have not incriminated the accused person with any kind of torture or dowry

demand. Their evidence reveals that they have no grievance against the accused and they have amicably settled this case. Now, victim has got married with another person. There is no iota of evidence in this case to hold the accused guilty. Situated thus, I am of the opinion that the ingredients of the offence u/s 498-A of IPC has not been proved against the accused person beyond all reasonable doubt by the prosecution and hence the accused person is hold not guilty for the alleged offences.

**ORDER**

8. Accordingly, the accused person Md. Abdul Mutaleb is acquitted of the offence U/S 498-A of IPC and he is set at liberty forthwith. The bail bond of the accused person and his surety shall remain in force for a period of 6 months from today as per amended CrPC.

**Given under my hand and seal of this court on this 10<sup>th</sup> day of June, 2019.**

**Smti Sorbani Bhattacharjee, AJS  
Sub Divisional Judicial Magistrate (S)  
Lakhimpur, North Lakhimpur**

**GR 1434/2015**

**APPENDIX**

***PROSECUTION EXHIBITS:***

NIL

***DEFENCE EXHIBITS***

NIL

***PROSECUTION WITNESSES :***

- (1) PW-1 Musstt. Hanufa Khatun
- (2) PW-2 Musstt. Jesmina Begum

***DEFENCE WITNESSES***

NONE

***MATERIAL EXHIBITS***

NIL

**Smt. Sorbani Bhattacharjee, AJS  
Sub Divisional Judicial Magistrate (S)  
Lakhimpur, North Lakhimpur**