

DISTRICT: GOALPARA

IN THE COURT OF THE ADDITIONAL CHIEF JUDICIAL MAGISTRATE,

GOALPARA.

P.R.C CASE NO. 1181/2018

U/S. 498(A) IPC

PROSECUTOR: STATE OF ASSAM

-VS.-

ACCUSED: SRI SAIFUL ISLAM

PRESENT: SMTI. S. CHANDA, LL.M., AJS.

ADDL. CHIEF JUDICIAL MAGISTRATE, GOALPARA.

APPEARED FOR:

THE STATE: SMTI. SHRABANI GUHA, LEARNED ADDL. PUBLIC PROSECUTOR.

SRI DIPJYOTI DAS, LEARNED ASSTT. PUBLIC PROSECUTOR.

ACCUSED: SRI RAFIQL ISLAM, LEARNED ADVOCATE.

DATE OF:

CONSIDERATION ON CHARGE: 27-05-2019.

EVIDENCE: 27-05-2019.

ARGUMENT: 27-05-2019.

JUDGMENT: 10-06-2019.

J U D G M E N T

1. Smti. Sabina Begum initiated this instant case by filing a written *ejahar* before the O/C, Baguan P.S. on 03-10-2018 which was registered as Baguan P.S. FIR No. 109/2018 under section 498(A)/506/34 IPC against accused Sri Saiful Islam and three others and investigated into.
2. The prosecution case in brief is that, the informant got married to accused Sri Saiful Islam about 3 years ago and since her marriage her husband and in-laws torturing her physically and mentally demanding Rs. 1,00,000/- On 23-09-2018 at about 07-00 AM the accused persons beat her up and thrown her out of her matrimonial home. Hence, the case.

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3. After registering the case, the matter was investigated into. On completion of investigation, police filed a charge-sheet against accused Sri Saiful Islam u/s. 498(A) of IPC.
4. After securing appearance of the accused he was allowed to go on Court bail. Relevant documents of the case were furnished to him. Upon perusal of materials on record and after hearing both sides, I have framed a formal charge u/s. 498(A) of IPC against the accused, which was read over and explained to him, to which he has pleaded not guilty and claimed to be tried.
5. The prosecution in support of its case examined one witness and declined to examine the remaining witnesses. Examination of the accused under section 313 CrPC was dispensed with, as found not necessary. The defence side has not adduced any witness in support of their defence.
6. I have heard the argument advanced by the Learned Counsels for both sides.
7. Upon hearing and on perusal of the record I have framed the following point for determination:
 - (i) *Whether the accused being the husband of the informant Smti. Sabina Begum subjected her to physical and mental cruelty since the her marriage demanding Rs. 1,00,000/- and on 23-09-2018 at about 07-00AM thrown her out of her matrimonial home?*

DISCUSSION, DECISIONS AND REASONS FOR THE DECISIONS:

8. I have gone carefully through the entire evidence and the materials placed before me. The informant Smti. Sabina Begum has examined herself as Pw-1 and testified on oath that, she has lodged this case against her husband, this matter is mutually settled, they are living as husband and wife now, she has no grievance against the accused, she is not willing to proceed with this case and she has no objection if the accused is acquitted. She has proved the *ejahar* as Ext.1 and her signature there as Ext.1(1).The defence side has declined to cross-examine her.

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9. Now, on going through the entire material placed before me it appears that, the vital witness examined by the prosecution who was the informant as well as the alleged victim in this case has not supported the prosecution case. Moreover, the prosecution has not adduced any other witness. In result, there is no incriminating evidence against the accused.
10. I, therefore, find that the prosecution side has failed to establish the guilt of the accused. Accordingly the accused Sri Saiful Islam is held not guilty of offence punishable under section 498(A) of IPC, and he is acquitted and set at liberty forthwith.
11. Bail bond furnished on behalf of the accused shall remain in force for a further period of six months.
12. Given under my hand and seal of this Court on this 10th day of June, 2019.

S. CHANDA
ADDL. C.J.M. GOALPARA.

APPENDIX:

PROSECUTION EXHIBIT:

1. EJA HAR

DEFENCE EXHIBIT:

NONE

PROSECUTION WITNESS:

1. SMTI. SABINA BEGUM.

DEFENCE WITNESS:

NONE

Dictated and corrected by me,

S. CHANDA, ADDL. C.J.M. GOALPARA.

Transcribed by, SMTI. J. CHAKI (STENOGRAPHER).