

IN THE COURT OF THE CHIEF JUDICIAL MAGISTRATE,::::::BONGAIGAON

GR. NO- 387/2015

U/S- 498 A IPC.

STATE

-VS.-

Md. Jabur Hussain

.....Accused

Present:-

Sri B. Sutradhar, A.J.S.

Chief Judicial Magistrate,

Bongaigaon

Appeared:-

For the State: Smt. R. Choudhury Addl. P.P.

For the accused: Mr. J. Islam Ld. Advocate.

Date of evidence: 14-6-16

Date of argument: 14-6-16

Date of judgment: 14-6-16 (at 3.30 P.M.)

J U D G M E N T

1. The brief case of the prosecution is that on 13-5-15 the informant Mustt. Rohima Khatun lodged an ejahar before the O/C Bongaigaon PS alleging that she got married with the accused about 6 years back and since after the marriage the accused demanded Rs. 40,000/- from her parents and started physical and mental torture. On 29-3-15 at 8 P.M., the accused person badly assaulted her and thrown out from the house.

Hence the case.

2. On receipt of the ejahar O/C Bongaigaon P.S. registered a case vide No 340/15 and the matter was duly investigated into.

3. On completion of the investigation I/O submitted charge-sheet against the accused person. In due course the accused person appeared before the court and he was allowed to go on bail. Copies were furnished and the charge U/S 498A IPC was framed. The particulars of the charge was read over and explained to the accused person and to which he pleaded not guilty and claimed to be tried.

Contd....P/2

During the course of evidence, the prosecution side examined two witnesses and declined to adduce any other evidence. Accordingly, the evidence was closed. The examination of the accused person U/S 313 Cr.P.C. was dispensed with as found not necessary. Heard the arguments of both sides.

The point for determination is:

4. Whether the accused person subjected the informant with cruelty by demanding dowry as alleged in the ejahar?

Decision and reasons thereof:

5. The prosecution side examined Mustt. Rohima Khatun as P.W.1 and Afsar Ali as P.W.2.

6. The P.W.1 in her evidence deposed that about 10 years back she got married with the accused person. About one year back the accused person raised quarrel regarding domestic matter and she lodged the case.

In cross-examination she deposed that she is peacefully living with her husband. The matter has been amicably settled up between them. She is not interested to proceed with the case by adducing any further evidence and she has no objection if the accused person is acquitted.

7. The P.W.2 in deposed that about 7/8 years back marriage was solemnized between the informant and the accused. About one year back a quarrel raised between them regarding domestic matter.

In cross-examination he deposed that the matter has been amicably settled up between them after one month of the occurrence and presently both of them are living peacefully.

8. Now, on going through the above evidence on record, it appears that the vital witnesses of the case have not supported the case rather they stated that the matter has been amicably settled up between them. In view of above, I find no evidence to hold the accused person guilty for the offence as charged.

9. Accordingly, I am of the opinion that the prosecution side has failed to prove the case. In result the accused person is acquitted from the charge U/S 498A I.P.C and set him at liberty. The bail bond shall remain in force till next six months.

10. The case is disposed of on contest.

Given under my hand and seal of this court on this **14th day of June,**
2016.

Chief Judicial Magistrate
Bongaigaon.

