

IN THE COURT OF SUB-DIVISIONAL JUDICIAL MAGISTRATE,
BONGAIGAON

PRESENT: S. HANDIQUE, AJS

G.R . 607/14
(u/s 498 (A) IPC)

State

V.

1. Kurman Ali

For prosecution: Mr. S.K. Nath

For defence: Mrs. R. Ahmed

Evidence recorded on 13-10-14

Arguments heard on 13-10-14

Judgment delivered on 13-10-14

JUDGMENT

1. ***The prosecution story in brief*** : Msstt. Hafiza Khatun lodged an FIR in the Bidyapur Police Outpost under the Bongaigaon P.S. against her husband and family members on 11-7-14. She alleged that her husband and his family members have been subjecting her to cruelty since her marriage. According to her, the accused demanded dowry and when she could not satisfy the demands, she was beaten up badly and driven out. After investigation charge sheet was filed by the police u/s 498(A) IPC against accused Kurman Ali, husband of the complainant and the case was transferred to this court. The accused appeared before the court and he was released on bail. He was served with necessary copies in due course of time. The charge was framed against him u/s 498 (A) IPC and it was read over and explained to them, to which the accused pleaded not guilty and claimed trial.
2. In due course of trial the complainant was examined. As the complainant did not implicate the accused, prosecution evidence was closed after examining the complainant and statement of the accused u/s 313 Cr. P.C was dispensed with. The accused did not adduce any defence evidence.
3. The following point for determination is framed in this case.

POINT FOR DETERMINATION:

1. *Whether accused subjected the complainant to cruelty after marriage by making unlawful demand for dowry and when the complainant could not satisfy his demands, whether the accused beat her up and drove her out and thereby committed an offence punishable u/s 498 (A) IPC?*

DISCUSSIONS, DECISIONS AND REASONS THEREOF:

4. **PW1 (Hafiza Khatun)** deposed that she quarrelled with the accused. She stated that they have amicably settled their dispute and are leading conjugal life at present. Therefore, prosecution evidence was closed as there was no scope for improvement of the prosecution case. The accused were not examined u/s 313 Cr. PC due to lack of incriminating materials against him.
5. From the above evidence, it transpires that the prosecution has failed to bring home the charge against the accused beyond reasonable doubt. Therefore, this point is decided in the negative.

ORDER

6. In view of the above discussions, I hold the accused not guilty u/s 498 (A) IPC and he is acquitted. Judgment is delivered in the open court today. Accused is hereby set at liberty forthwith. His bail bond stands discharged. The case is disposed of. Given under my hand and seal of the court on 13-10-14.