

P.R.C no. 646/2020

**IN THE COURT OF CHIEF JUDICIAL MAGISTRATE,
NALBARI**

P.R.C no. 646/2020

u/s 498(A) I.P.C

State of Assam

-Vs-

Md. Abdul Gofur.....Accused person

PRESENT: Sri K.C Boro, A.J.S.

ADVOCATES APPEARED:

For the state : Mr. D. Talukdar, Ld. A.P.P,

For the accused : Mr. Jahur Uddin Ahmed, Ld.
Advocate,

Dates of evidence : 11/01/2022.

Date of argument : 11/01/2022.

Date of judgment : 11/01/2022.

J U D G M E N T

PROSECUTION CASE:

1.The prosecution case in brief as unfolded from the 'ejahar' dated 01/10/2020 filed by the informant Miss Nazmin Sultana is that she was married to FIR named accused Md. Abdul Gofur around 3 years ago and out of the wedlock one girl child was born to them. After marriage her husband Abdul Gofur on the instigation of Nur Jahan Begum started demanding dowry from her and tortured her both mentally and physically and on 27/09/2020 at about 8 am, accused Abdul Gofur assaulted her and drove her away from their house and kept her minor child with them. Hence the case.

2.The said 'ejahar' was received and registered as Mukalmua P.S case no. 421/20 u/s 498(A) I.P.C. After completion of investigation charge-sheet no. 297/20 dated 31/10/20 was submitted against accused person Md. Abdul Gofur u/s 498(A) I.P.C. Copy was furnished to the accused person. Charge was read over and explained to the accused person to which he pleaded not guilty and claimed to be tried.

3.POINTS FOR DETERMINATION:

Whether on 27/09/2020 at about 8 am or prior to that, the accused person being the husband of informant Nazmin Sultana subjected her to cruelty which was of such a nature as to cause grave injury to her life or limb and coerced her to meet unlawful dowry

demand and thereby committed an offence u/s 498(A) IPC?

4. DECISION AND REASONS THEREOF:

The prosecution examined the informant as PW1. The defence declined to adduce any evidence. Finding no incriminating materials the statement in defence of the accused person u/s 313 Cr.P.C was dispensed with. I have heard the argument advanced by learned counsel of both the sides and also perused the evidence available on record, my findings with reasons are as follows:-

5.This is a case under Section 498(A) IPC, where the PW1 who is the informant/victim of this case stated in her evidence that she lodged the case out of misunderstanding and that she has amicably settled the matter with the accused person. The informant stated that she has no grievances against the accused person and has no objection if the accused is acquitted. The PW1 is the main witness being the informant, she herself did not support her own case. Hence, the guilt of the accused person could not be established by the prosecution. Hence the accused person is hereby not found guilty of the offence u/s 498(A) of the Indian Penal Code. Hence, summing up all that has been discussed above, the prosecution has failed to prove the guilt of the accused person beyond reasonable doubt.

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6. Finest hour of justice arrives propitiously when parties bury their hatchet and forge a sense of reunion. It is a good sign for peace in society. **(Relied on Mrs. Shakuntala Sawhney Vs. Kaushalya Sawhney & Others (1980) SCC 63].**

7. Considering above, I find that the prosecution has failed to bring home charges against the accused person and as such the accused Md. Abdul Gofur is hereby acquitted from the charge u/s 498(A) IPC and set at liberty.

8. Bail bond shall remain in force for a further period of six months.

9. Given under my hand and seal of this court on this 11th day of January, 2022.

Chief Judicial

Magistrate,
Nalbari

APPENDIX

Prosecution witness:

PW1- Nazmin Sultana (Informant),

Prosecution Exhibits:

Exhibit 1 - Ejahar,

Exhibit 1(1) - Signature of informant,

Defence witnesses :

Nil

Defence Exhibits :

Nil

Chief Judicial

Magistrate,
Nalbari