

**IN THE COURT OF THE CHIEF JUDICIAL MAGISTRATE,
DIBRUGARH :: ASSAM.**

G.R. Case No. 4245/2019 (PRC 777/2020)

U/S 498(A) IPC R/w Section 4 of D.P Act.

State of Assam

-Vs-

Saif Khan..... Accused.

***PRESENT : A.K. BARUAH, LL.M. AJS,
Chief Judicial Magistrate,
Dibrugarh.***

APPEARANCE :

Advocate for the Prosecution	: G. Phukan, Addl. P.P
Advocate for the Defence	: S. Deb, M. Akhtar Advocates.
Date of evidence	: 30.04.2021
Date of argument	: 30.04.2021
Date of judgement	: 10.05.2021.

J U D G M E N T

1. The case of the prosecution in brief, is that after the marriage between the complainant -Hasneen Khan @ Haseena Khan and the accused Saif Khan, the accused husband tortured her both physically and mentally demanding dowry. The complainant namely Hasneen Khan @ Haseena Khan filed one FIR in the Dibrugarh Police station, regarding the incident.

- 2.** On the basis of the FIR lodged by the complainant, a case, being Dibrugarh P.S Case No. 1726 of 2019, was registered under Section 498(A) IPC R/w Section 4 of D.P Act. Police conducted investigation into the case and filed charge sheet against the accused person namely Saif Khan under section 498(A) IPC R/w section 4 of D.P Act.
- 3.** The accused appeared in this case. Copies were furnished to him under section 207 Cr PC. Considering the material on record and hearing both sides, charge under section 498(A) IPC R/w section 4 of D.P Act was framed against the accused person, to which, the accused pleaded not guilty and claimed to be tried.
- 4.** During the trial of the case, the prosecution side examined 1(one) P.W in this case. The defence plea is of total denial. The defence did not adduce any evidence. Recording of statement of the accused under section 313 Cr PC was dispensed with.
- 5.** I have heard the learned counsel for the accused and learned Asst. P.P for the State. Having heard both sides and after perusing the materials on record, the following points for determination are framed by this court for the just decision of the case:-

6. POINTS FOR DETERMINATION :-

- i. Whether the accused person being the husband of the complainant namely Smti. Hasneen Khan @ Haseena Khan, subjected her to "cruelty" both mentally as well as physically which is of such a nature, as is likely to drive the informant to commit suicide or to cause grave injury/danger to life, limb and health of the informant?
- ii. Whether on the same date, time and place, the accused being the husband of the complainant namely Smti Hasneen Khan @ Haseena Khan, subjected her to "cruelty" both mentally as well as physically in order to coerce her to fulfill the demand of dowry and thereby demanded dowry from the informant?

DECISION AND REASONS FOR THE DECISION :-

7. PW1 (**Hasneen Khan @ Haseena Khan**) deposed in her evidence that she is the complainant of this case and accused is her husband. Due to some quarrel out of misunderstanding, she (PW1) lodged this case. PW1 identified the FIR as exhibit 1 and her signature as exhibit 1(1). At present, PW1 has no allegation against the accused person. PW1 does not want to proceed with the matter. At present, they are staying happily together under the same roof.

In her cross-examination, PW1 deposed that she has no objection if the accused person is acquitted from the case.

- 8.** From the above discussion, I have found no material against the accused. P.W has not implicated the accused. PW1 being the complainant cum victim did not implicate the accused by stating that due to some misunderstanding, she (PW1) lodged the case. Hence, from the evidence on record, I found no material against the accused. Hence, I hold the points for determination in the negative.
- 9.** In the result, I have not found the accused guilty in this case. Hence, I acquit him from the charges under section 498(A) IPC R/w section 4 of D.P Act and set him at liberty forthwith. Considering the evidence of the complainant/victim, the case is not referred for victim compensation.
- 10.** The bail bond will be in force for 6 (six) months from today.

Given under my hand and seal of this court on this 10th day of May, 2021.

(A K Baruah)
Chief Judicial Magistrate,
Dibrugarh

Appendix

Prosecution Witness :-

PW1 :- Hasneen Khan @ Haseena Khan

Defence witness :-

None

Exhibits :-

Prosecution exhibits :-

Exhibit 1:- FIR.

Defence exhibits :-

None

Court witness :- None.

Court exhibits :- None.

CJM, Dibrugarh