

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

G.R. Case No. 955/2018 (PRC 1187/2019)

U/s 498(A) IPC

**State of Assam**

**-Vs-**

**Sri Rahmat Hussain @ Tikra**

.....Accused.

**PRESENT :** *Smti. Rani Boro*  
*Chief Judicial Magistrate,*  
*Dibrugarh.*

**APPEARANCE :**

Advocate for the Prosecution : Smti. D. Gogoi,  
A.P.P

Advocate for the Defence : S.N Yadav  
Sangita Dutta

Date of evidence : 10.12.2021

Date of argument : 10.12.2021

Date of judgement : 10.12.2021.

**J U D G M E N T**

1. The case of the prosecution in brief is that on 27.03.2018 at about 09.00 am the accused in a drunken state physically and mentally tortured the informant and her children and has been doing so in a habitual manner. In this regard the informant lodged one FIR at Borbari Police Outpost.

**G.R Case No. 955/2018**

- 2.** On the basis of the FIR lodged by the informant, a case, being Dirbrugarh P.S Case No. 418 of 2018, was registered under Section 498(A)/325 IPC. ASI Markandey Yadav was entrusted with the investigation of this case. He conducted investigation into the case and filed charge-sheet against the accused Sri Rahmat Hussain @ Tikra under section 498(A) IPC.
- 3.** Case record after charge sheet was kept in the file of this Court for disposal on 01.08.2019. Summons was issued to the accused. The accused appeared in this case. Copy was furnished to him under section 207 Cr PC. Considering the material on record and on hearing both sides, charge under section 498(A) IPC was explained to the accused to which he pleaded not guilty and claimed to be tried.
- 4.** During the trial of the case, the prosecution side examined only one P.W in this case. Considering evidence of PW 1, further evidence was closed. Recording of statements of the accused under section 313 Cr PC was dispensed with. Arguments were heard. Judgment is pronounced in the light of evidence and other materials on record.
- 5.** I have heard the learned counsel for the accused and learned A.P.P for the State. Having heard both sides and after perusing the materials and evidence on record, the following point arise for determination in this case.

**6. POINTS FOR DETERMINATION :-**

i. Whether on 27.03.2018 at about 09.00 am the accused being the husband of the informant subjected her and her children to cruelty both mentally and 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 and thereby committed an offence punishable U/s 498(A) IPC?

**DECISION AND REASONS FOR THE DECISION :-**

7. PW1 deposed in her evidence that she lodged the case. Accused is her husband. She lodged the case about 4 years ago. The accused in a drunken state was raising hue and cry at home and so out of anger she has lodged this case against him. But later they have compromised and have been living together now. Exhibit 1 is the FIR and Exhibit 1(1) is her signature.

During cross-examination PW 1 deposed that she has no objection if the accused person is acquitted from the case.

8. From the above evidence it is found that no material against the accused U/s 498(A) IPC exist. The informant lodged this case due to some misunderstanding and has no allegations against

the accused at present. They have compromised the matter amicably between themselves.

In view of above evidence of PW 1 it is found that there being no materials to prove offence U/s 498(A) IPC and they having arrived at an amicable settlement accused cannot be held guilty. Accused Sri Rahmat Hussain @ Tikra is therefore not found guilty and acquitted of offence U/s 498(A) IPC.

**ORDER**

In the light of the above discussions, the accused **Sri Rahmat Hussain @ Tikra** is acquitted of offence U/s 498(A) IPC and set at liberty forthwith as prosecution failed to prove its case beyond reasonable doubt.

The bail bond shall remain in force for 6 (six) months from today.

Judgment is prepared in separate sheets and tagged with the case record.

Given under my hand and seal of this court on this **10<sup>th</sup> day of December, 2021.**

**(Smti Rani Boro)**  
**Chief Judicial Magistrate,**  
**Dibrugarh**

**Appendix**

Prosecution Witness :-

PW1 :- Hasina Begum.

Defence witness :-

None

Exhibits :-

Prosecution exhibits :-

Exhibit 1: FIR

Defence exhibits :-

None

Court witness :- None.

Court exhibits :- None.

**CJM, Dibrugarh**