

**IN THE COURT OF JUDICIAL MAGISTRATE FIRST  
CLASS,  
DIBRUGARH**

**PRESENT : SMTI DEEPSIKHA DAS, AJS**

(Date of Judgment: 22/02/2022)

**G.R. Case No : 2751/2018**

(Under section 498A of Indian Penal Code. FIR No.  
131/2018 Dated 2/08/2018. P.S- Tingkhong)

COMPLAINANT/INFORMANT	SMTI. ASIFA BEGUM
REPRESENTED BY	LEARNED A.P.P SMTI GOPA CHAKRABORTY.
ACCUSED	Yusuf Ali S/o- Md. Sultan Ali R/o- vill No2 Digholia P.S- Tingkhong District- Dibrugarh.
REPRESENTED BY	LEARNED ADVOCATE GMS Sultan

Date of Offence	1/08/2018.
Date of FIR	1/08/2018.
Date of Charge sheet	31/08/2018
Date of Framing of Charges	12/11/2021.
Date of commencement of evidence	22/02/2022.
Date on which judgment is reserved	N/A.
Date of Judgment	22/02/2022.
Date of the Sentencing Order, if any	N/A.

**Accused Details:**

Rank of the accused	Name of Accused	Date of Arrest	Date Release on Bail	Offences charged with	Whether Acquitted or convicted	Sentence imposed	Period of Detention Undergone during Trial for purpose of Sec.428 Cr.P.C.
1.	Yusuf Ali	Not arrested	12/11/21	498 A	Acquitted	N/A	N/A

**JUDGMENT**

**Case of the prosecution**

1. The case of the informant/victim Asifa Begum as reflected in the ejahar in brief is that since after the marriage, the accused person (her husband) started torturing the informant both physically and mentally. The accused tortured the informant demanding to bring money from her parental home. It is also mentioned that the accused had drove her out of his house many times. Hence the case.
2. The ejahar was registered as Tingkhong P.S. Case No. 131/201 under section 498A IPC. The police after investigation submitted charge sheet against the accused person Yusuf Ali under section 498A IPC.

- 3.** This Court took cognizance under sec 190(b) CrPC and issued summons to the accused under sec 204 CrPC. On appearance of the accused, copies of relevant documents were furnished to him as per section 207 CrPC. The charge under section 498A IPC was framed, which is explained and read over to him, to which he pleaded not guilty and claimed to be tried.
- 4.** Trial commenced. The prosecution examined 2(two) witnesses including the informant. The statement of the accused person under section 313, CrPC was dispensed with as there was no incriminating material. I have heard both sides and perused the evidence on record.
- 5.** Heard the arguments advanced by the Learned Counsel appearing for the informant and the accused.

**Points for determination**

- 6.**        i) Whether the accused on several occasions after marriage with Runjun Changmai Gogoi subjected her to cruelty by way of physical torture and mental harassment on demand of dowry thereby committed an offence punishable under section 498A IPC?

7. Now let me discuss the materials on record and try to arrive at a definite finding as regards the points for determination.

**DECISION AND REASONS THEREOF:**

8. To arrive at a judicious decision, the materials on record, including the evidence recorded is gone through carefully, in the light of submission heard and appreciated as follows—
9. In his evidence, pw1 stated that she is the informant of this case. She stated that she has filed the instant case against her earlier husband. After the incident she married another man and now she is living happily with the second husband. She stated that she does not want to proceed further with the case.

In his cross examination PW1 stated that she does not have any objection, if the accused is acquitted in the instant case.

10. Pw2, Nurjahan Begum stated that she knew the accused. She also stated that the informant was her niece. The accused was the earlier husband of the informant. now the informant is happily married with another man. So pw1 does not want to proceed with the case.

Cross examination is declined.

**11.** Situated thus, from the scrutiny of record in absence of any incriminatory material against the accused, it can be inferred that the accused did not commit any offence as alleged in the ejahar. Thus, in view of the above testimony of pw1 and PW2, I find no ground to hold the accused person guilty of the alleged offences.

**ORDER**

**12.** Accordingly, the accused Yusuf Ali is acquitted of the offences punishable under section 498A of the Indian Penal Code and set at liberty forthwith.

**13.** The bail bond furnished, shall remain in force till six months from today, as required under sec 437A CrPC.

**14.** The case is disposed of on contest.

**15.** Given under my hand and seal of this Court on this 22/2/2022.

Deepsikha Das  
Judicial Magistrate First Class,  
Dibrugarh

**APPENDIX**

**LIST OF PROSECUTION/DEFENCE/COURT WITNESSES**

**A. PROSECUTION:**

RANK	NAME	NATURE OF EVIDENCE
PW1	Asifa Begum	Informant/ Complainant
PW2	Nurjahan Begum	Other

**B. DEFENCE WITNESSES, IF ANY: NIL.**

**LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS:**

**A. PROSECUTION:**

Sr. No.	Exhibit Number	Description
1	Exhibit P-1/PW1	Ejhar

**B. DEFENCE EXHIBITS: None.**

Deepsikha Das  
Judicial Magistrate First Class,  
Dibrugarh