

APPENDIX

IN THE COURT OF CHIEF JUDICIAL MAGISTRATE, BAKSA, MUSHALPUR Present : Smti. Dimple Boro, CJM. Date of Judgment: 06-08-2022 Case No. : PRC-700/21 Gobardhana PS Case No. : 243/2017 U/s : 498(A)/468 IPC	
Complainant	State of Assam
Represented by	Mr. Ranjit Basumatary , APP.
Accused	1. Baharul Mandal @ Baharul Islam, S/o: Sekendar Mandal, Vill: Barapeta, PS: Gobardhana, Dist.: Baksa. (A-1)
Represented by	Adv. Gobinda Ch. Nath
Date of Offence	29-07-2017
Date of FIR	03-08-2017
Date of Charge Sheet	31-08-2017
Date of Framing of Charge	02-07-2022
Date of commencement of evidence	06-08-2022
Date on which judgment is reserved	NA
Date of Judgment	06-08-2022
Date of the Sentencing Order, if any	NA

Accused Details:

Rank of the Accused	Name of Accused	Date of Arrest	Date of Release On Bail	Offences Charged with	Whether Acquitted or convicted	Sentence Imposed	Period of Detention Undergone during Trial for purpose of Sec. 428 Cr.PC.
A-1	Baharul Mandal @ Baharul Islam	NA	04-10-2017	498(A)/468 IPC	Acquitted	NA	NA

APPENDIX

LIST OF PROSECUTION/DEFENCE/COURT WITNESSES

A. Prosecution:

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
PW1	Rehena Khatun	Informant-cum-victim

B. Defence Witnesses, if any : NIL

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
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C. Court Witnesses, if any : NIL

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
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LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS

A. Prosecution: NIL

Sr. No.	Exhibit Number	Description
1	Ext.P-1/PW1	FIR

B. Defence: NIL

Sr. No.	Exhibit Number	Description
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C. Court Exhibits: NIL

Sr. No.	Exhibit Number	Description
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D. Material Objects: NIL

Sr. No.	Exhibit Number	Description
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J U D G M E N T

1. The prosecution story in brief is that on 03-08-2017 informant Rehena Khatun lodged an FIR at Labdangguri PP under Gobardhana PS to the effect that she was married to the accused according to Islamic Shariyat about three years ago. She has been tortured soon after marriage physically and mentally. The accused took away several times Rs. 20, 30, 40 thousand as money was sought for repeatedly from the informant's father. The accused took her signature on blank stamp paper saying to give her ASHA worker job. On 29-07-2017 the accused drove her away from the house keeping the fifteen months old daughter. On the same day at about 10 PM the accused left the baby daughter near the house of the informant's father. Doing this the accused Baharul Mandal fled away, but accused Fazal Haque was caught with the help of the village headman.
2. Labdangguri PP GD Entry No. 38 dated 03-08-2017 was made in respect of the FIR. Gobardhana PS Case No. 243/17, u/s 120(B)/498(A)/406/420 IPC was registered against total seven nos. of accused and investigated into. After completion of investigation, charge-sheet was submitted against accused

Baharul Mandal @ Baharul Islam u/s
120(B)/498(A)/420/406/468 IPC.

3. Charge was framed against the accused person U/s 498(A)/468 IPC and contents of the charge under the said sections was read over and explained to the accused person to which the accused person pleaded not guilty and claimed to be tried.
4. The prosecution examined 1 (one) witness and defence examined none.
5. The accused person is examined u/s 313 Cr.P.C. The accused person has declined to adduce evidence.
6. I have heard argument of the learned A.P.P. as well as the learned defence counsel and perused all the relevant documents available on record.

7. POINTS FOR DETERMINATION:-

1. Whether the accused person being the husband of the informant had subjected her to cruelty?
2. Whether the accused person had committed forgery intending that the document shall be used for the purpose of cheating?

8. DISCUSSION, REASONS AND DECISION:

9. POINT NO. 1 & 2:

10. The informant has not said anything against the accused person. Under such circumstance, the ingredients of sections 498(A)/468 IPC are not established.

11. From the above discussions, I find that it is not proved that the accused person being the husband of the informant had subjected her to cruelty **AND** the accused person had committed forgery intending that the document shall be used for the purpose of cheating. So, the accused person cannot be held guilty u/s 498(A)/468 IPC.
12. From the above discussions, I am of the considered opinion that the prosecution has failed to prove the guilt of the accused person beyond reasonable doubt U/s 498(A)/468 IPC. So, I acquit accused Baharul Mandal @ Baharul Islam of the charge U/s 498(A)/468 IPC and is set at liberty.
13. Given under my hand and seal of this Court this 6th day of August, 2022.
Typed by me—

D. Boro
CJM, Baksa

D. Boro
CJM, Baksa