

**APPENDIX**

<b>IN THE COURT OF CHIEF JUDICIAL MAGISTRATE, BAKSA, MUSHALPUR</b> Present : Smti. Dimple Boro, CJM. Date of Judgment: 30-03-2022 <b>Case No. : PRC-131/2021</b> Gobardhana PS Case No. : 227/2018	
Complainant	State of Assam (Informant Jainap Khatun)
Represented by	Mr. <b>Ranjit Basumatary</b> , APP.
Accused	1. Samsuddin Akand, S/o :Sharif Akand, Vill: Balipur, PS : Gobardhana, Dist. : Baksa. <b>(A-1)</b> 2. Sharif Akand, S/o: Ismail Akand, Balipur, PS : Gobardhana, Dist. : Baksa. <b>(A-2)</b>
Represented by	<b>Mr. Mrityunjoy Mazumdar</b> <b>Smt. Sumi Baishya</b>

**APPENDIX**

Date of Offence	<b>09-07-2016 onwards</b>
Date of FIR	<b>09-07-2018</b>
Date of Charge Sheet	<b>31-10-2018</b>
Date of Framing of Charge	<b>14-03-2022</b>
Date of commencement of evidence	<b>30-03-2022</b>
Date on which judgment is reserved	<b>NA</b>
Date of Judgment	<b>30-03-2022</b>
Date of the Sentencing Order, if any	<b>NA</b>

**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	Samsuddin Akand	NA	22-11-2021 (Court bail)	498(A)/34 IPC r/w S.4 DP Act	Acquitted	NA	NA
A-2	Sharif Akand	NA	22-11-2021 (Court bail)	498(A)/34 IPC r/w S.4 DP Act	Acquitted	NA	NA

**APPENDIX****LIST OF PROSECUTION/DEFENCE/COURT WITNESSES****A. Prosecution:**

<b>RANK</b>	<b>NAME</b>	<b>NATURE OF EVIDENCE</b> (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
<b>PW1</b>	<b>Jainap Khatun</b>	<b>Informant cum victim</b>

**B. Defence Witnesses, if any : NIL**

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

<b>RANK</b>	<b>NAME</b>	<b>NATURE OF EVIDENCE</b> (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**

<b>Sr. No.</b>	<b>Exhibit Number</b>	<b>Description</b>
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**B. Defence: NIL**

<b>Sr. No.</b>	<b>Exhibit Number</b>	<b>Description</b>
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**C. Court Exhibits: NIL**

<b>Sr. No.</b>	<b>Exhibit Number</b>	<b>Description</b>
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**D. Material Objects: NIL**

<b>Sr. No.</b>	<b>Exhibit Number</b>	<b>Description</b>
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**JUDGMENT**

1. The prosecution story in brief is that on 09-07-2018 informant Jainap Khatun (PW-1) lodged an FIR before the I/C, Labdangguri PP under Gobardhana PS to the effect that she was socially married to accused Samsuddin Akand (A-1) about two years prior to the date of lodging FIR. Soon after marriage, the A-1 has demanded to bring one Pulsar bike as dowry from the house of the PW1 at the instigation of A-2 and one Sanuruddin Akand. As the PW1 could not bring the bike due to poor financial condition of her father, the accused persons had inflicted various types of torture on PW1. About one month ago at about 1 PM, the accused persons went to Beki river to bathe along with PW1 and pushed her to the river water making quarrel for dowry. The PW1 somehow came up from the water and saved her life. About 15 days back, the A-2 engulfed the PW1 from back side in absence of other persons in the house and tried to do illicit work with her. The A-2 often gives bad gestures to PW1 for illicit relation. When the PW1 goes for bathe and for urinal/toilet, the A-2 used to disturb her by peeping at her. When PW1 told the matter to her husband A-1, the A-1 instead of looking into the matter verbally abused the PW1 and threatened to assault and kill PW1. Later on, the accused persons had driven out the PW1 and asked her to return along with the kabinnama and Pulsar bike otherwise they will not

keep the PW1. Since thereafter, the PW1 is taking shelter at the house of her poor parents and the accused persons have not taken any information about the PW1. It is pertinent to mention that the accused persons did not allow the PW1 to visit her parents for nine months after marriage demanding Pulsar bike.

**2. Points for determination:**

- (1) Whether the accused persons had in furtherance of common intention subjected the informant to cruelty?
- (2) Whether the accused persons had in furtherance of common intention demanded Pulsar bike from the informant?

**3. Decision and reasons for the decision:**

**4. Point No.1 & 2:**

- 5.** The prosecution has examined the informant cum victim as PW1. The PW1 has said nothing against the accused persons. The accused persons are her husband and father-in-law. It can be seen that the ingredients of S. 498(A)/34 IPC are not established in our present case. The informant has not said about any demand of any bike from her or from her parents by the accused persons. Hence, I find that it is not proved that the accused persons had in furtherance of common intention subjected the informant to cruelty **AND** the accused persons had in furtherance of common intention demanded Pulsar bike from the informant. So, the

accused persons cannot be held guilty u/s 498(A)/34 IPC, R/w Sec. 4 of DP Act.

6. From the above discussions, I am of the considered opinion that the prosecution has failed to prove the guilt of the accused persons beyond reasonable doubt u/s 498(A)/34 IPC, R/w Sec. 4 of DP Act. So, I acquit the accused persons of the charges u/s 498(A)/34 IPC and are set at liberty.
7. Given under my hand and seal of this Court this 30<sup>th</sup> day of March, 2022.

Typed by me-

**(D.BORO)**  
CJM, BAKSA

**(D.BORO)**  
CJM, BAKSA