

APPENDIX

IN THE COURT OF CHIEF JUDICIAL MAGISTRATE, BAKSA, MUSHALPUR Present : Smti. Dimple Boro, CJM. Date of Judgment: 23-03-2022 Case No. : PRC-177/2021 Tamulpur PS Case No. : 484/19	
Complainant	State of Assam
Represented by	Mr. Ranjit Basumatary , APP.
Accused	1. Jahidul Islam, S/o: Harej Ali, Vill: Niz-Kaurbaha, PS: Tamulpur, Dist. : Baksa. (A-1) 2. Harej Ali, S/o: Khajbar Ali, Vill: Niz-Kaurbaha, PS: Tamulpur, Dist. : Baksa. (A-2) 3. Jilikha Begum, W/o: Harej Ali, Vill : Niz-Kaurbaha, PS : Tamulpur, Dist. : Baksa. (A-3)
Represented by	Matiur Rahman Abdul Mohit Choudhury

APPENDIX

Date of Offence	05-09-2019 & 08-10-2019
Date of FIR	09-10-2019
Date of Charge Sheet	30-11-2019
Date of Framing of Charge	22-12-2021
Date of commencement of evidence	19-01-2022
Date on which judgment is reserved	NA
Date of Judgment	23-03-2022
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	Jahidul Islam	03-11-2019	03-11-2019 (Anticipatory bail) 06-12-2021 (Court Bail)	498(A)/3 4 IPC	Acquitted	NA	NA
A-2	Harej Ali	Not Arrested	06-12-2021 (Court Bail)	-do-	Acquitted	NA	NA
A-3	Jilikha Begum	Not Arrested	06-12-2021 (Court Bail)	-do-	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	Julumoni Akhtara	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:**

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

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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JUDGMENT

1. The prosecution story in brief is that on 28/04/2019 informant Julumoni Akhtara (PW-1) was socially married to accused Jahidul Islam (A-1). Her parents gave the essential articles as dowry at the time of the marriage. In spite of that, at the instigation of the other co-accused persons that the dowry articles are of inferior quality, accused Jahidul Islam (A-1) used to torture her physically and mentally soon after the marriage and demanded dowry articles and cash rupees from the informant. As the parents of the informant (PW-1) are poor, so the demand could not be fulfilled and the informant cohabited with accused Jahidul Islam (A-1) bearing all the tortures. On 05/09/2019 accused Jahidul Islam had in co-operation with the co-accused had badly beaten the informant and drove her out of the house demanding cash rupees from her. Then the parents of the informant (PW-1) gave Rs.20,000/- (Rupees twenty thousand) only and kept back her at the house of the accused. On 08/10/2019 the accused persons had attacked the informant and demanded modern dowry articles and

cash Rs.50,000/- (Rupees fifty thousand) only. When the informant refused to fulfill the said demand, the accused persons had badly beaten the informant and confined her inside a room and tried to kill her by burning by kerosene oil. At this, the informant raised alarm. The neighboring people came and her life was saved. Being helpless, she came to her parent's house next morning.

2. Points for determination:

- (1) Whether the accused persons had in furtherance of common intention subjected the informant to cruelty?

3. Decision and reasons for the decision:

4. Point No.1:

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, father-in-law and mother-in-law. She has filed the case due to misunderstanding. Exhibit P-1/PW1 is FIR. It can be seen that the ingredients of S. 498(A) IPC are not established in our present case. Hence, I find that it is not proved that the accused persons had in furtherance of common intention subjected the informant to cruelty.

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. 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 23rd day of March, 2022.

Typed by me-

(D. BORO)
CJM, BAKSA

(D. BORO)
CJM, BAKSA