

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

P.R.C. No. 618 of 2021

.....
Under Section 498A of Indian Penal Code

State

Vs.

Rubul Hoque

..... Accused person

.....
Present: Pragyashree Chetia, AJS.
Judicial Magistrate First Class, Baksa

Evidence recorded on : 09.03.2022

Arguments heard on : 09.03.2022

Judgment delivered on : 09.03.2022

Appearing for the Prosecution: Smt. Richa Swargiary

Appearing for the Defence : Sri. Bolen Ch. Boro

JUDGMENT

1. The case of the prosecution in brief is that on 20.09.2020 the informant Jilima Begum lodged a FIR in Kaurbaha O.P. wherein she alleged that on 19.09.2020 at around 6 P.M. the accused Rubul Hoque on the incitement of Rupbanu Bibi demanded Rs. 50,000/- as dowry from her. When she refused to bring the money, the accused person physically assaulted her and tried to douse kerosene oil on her. When she raised alarm, the neighbours came to their house and she fled from the scene. Hence, the case.

2. A G.D. Entry was made vide Kaurbaha G.D.E. No. 292 dated 20.09.2020 and the FIR was forwarded to Tamulpur P.S. On the basis of the FIR a case was registered as Tamulpur P.S. Case Number- 473/20 under Sections 498A, 307, 34 IPC. ASI Biraj Baruah, I/C, Kaurbaha O.P. was entrusted with the investigation of the case and after the completion of the investigation charge sheet along with the case dairy, one accused verification report, two notices, one medical report and one sketch map were submitted by him against the accused person Rubul Hoque under Section 498A IPC.

3. The accused person appeared before this court and was released on bail. Copies of relevant documents were furnished to him in accordance with Section 207 Cr.P.C.

Upon consideration of relevant documents and hearing both parties, formal charge was framed against the accused person Rubul Hoque and thereafter, particulars of offence u/ S 498A IPC was read over and explained to him to which he pleaded not guilty and claimed to be tried.

4. During trial, the prosecution examined 1(one) witness after which the prosecution evidence was closed. The statement of the accused person u/S 313 Cr.P.C was dispensed with due to the lack of incriminating materials against the accused person. Defence did not adduce any evidence.
5. Heard the arguments advanced by learned Assistant Public Prosecutor and learned defence counsel and perused the evidence on record.

POINTS FOR DETERMINATION

6. Whether accused person Rubul Hoque, being the husband of the victim Jilima Begum subjected her to cruelty on 19.09.2020 with a view to coerce her to meet the unlawful demand for dowry of Rs. 50,000/- and thereby, committed an offence under Section 498A IPC?

DISCUSSION DECISION AND REASONS THEREOF

7. The prosecution examined the informant as P.W.1. In her examination in chief, she deposed that she lodged the case against the accused person who is her husband due to some misunderstanding. She further stated that she is living peacefully with the accused person in the same house and has compromised the matter. She also has a newborn baby with the accused person. She identified the FIR as Exhibit P-1/PW1 and her signature as P-1/(1)/PW1.

8. Therefore, it is seen that the testimony of the witness does not reveal any incriminating material against the accused person. Rather, it shows is that there had been some misunderstanding between the informant and the accused person which has been resolved and now they have been cohabiting together peacefully. This is a case under Section 498A IPC, where the informant being the main witness did not support her own case. Thus, upon consideration of the evidence on record, the accused person Rubul Hoque is hereby not found guilty of offences charged with.

ORDER

9. In view of the above discussion, it is held the prosecution has failed to prove the allegation against the accused person Rubul Hoque under Sections 498A IPC beyond all reasonable doubt. As such the accused person is acquitted of the offence under the above-mentioned Section and is set at liberty forthwith.

10. His bail bond is extended for a period of six months as per Section 437A Cr.P.C.

11. The judgment delivered and pronounced by me today in the open court given under my hand and seal of this Court on this 09th day of March, 2022.

The entire judgment is typed by me.

Pragyashree Chetia,
JMFC, Baksa, Mushalpur.

APPENDIX

PROSECUTION WITNESSES:

1. P.W.1: Jilima Begum

DEFENCE WITNESSES:

None

PROSECUTION EXHIBITS:

1. Exhibit P-1/PW1: FIR
2. Exhibit P-1(1)/PW1: Signature of PW1

DEFENCE EXHIBITS:

None

MATERIAL EXHIBITS:

None

Pragyashree Chetia
JMFC, Baksa, Mushalpur.