

**IN THE COURT OF THE CHIEF JUDICIAL MAGISTRATE**

**BAKSA: MUSHALPUR**

PRESENT: *A.M.Md. Mahiuddin. M.Sc.;LL.B.*  
*Chief Judicial Magistrate,*  
*Baksa, Mushalpur.*

**G.R.case no. 995/2018**

**u/s. 498(A), I.P.C.**

**State**

**Vs**

**1. Md. wazuddin Ali &**

**2. Miss Mazida Begum.**

**... Accused persons.**

Date of framing of charge : 01-12-2017  
Date of recording evidence : 01-08-2018  
Date of hearing argument : 01-08-2018  
Date of delivery of the judgment : 01-08-2018

**APPEARANCE :**

*Sri. Dipmoni Boro.* (Addl.P.P.-For the State).

*Sri. Nazrul Islam Choudhury* (Advocate - For the Accused).

**J U D G M E N T**

1. The prosecution of the accused **Md. Wazuddin Ali and Miss Mazida Begum** started on lodging of a written FIR before the Officer-in-charge of Baihata Chariali Police station on 04-12-2015 by informant/victim **Musstt.**

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**Tarabanu Begum** alleging that, the accused persons, who are her in-laws, have abused her verbally and physically and kidnapped her husband.

2. As the ejarah was initially filed before the Baihata Chariali Police station where case was registered as Baihata Chariali PS case No-292/15, u/s-294/325/365/34, IPC but subsequently on jurisdiction point, the case was transferred to Goreswar PS where the case was renumbered as Goreswar PS case No-9/16, u/s-498(A), IPC. After completion of investigation, the investigating officer submitted charge sheet No. 35/16 dated 30-06-2016 against accused **Md. Wazuddin Ali and Miss Mazida Begum, u/s 498(A), IPC.**
3. After receiving the case for disposal, learned predecessor in chair took cognizance against the accused, issued summons against them and after their appearance, they were released on bail. The accused were supplied with the copies of the case u/s 207, Cr.P.C here in this Court. As prima-facie material u/s 498(A), I.P.C. was found against the accused persons, the charge was framed there under and the same was read over to them. On being asked, the accused persons pleaded not guilty and claimed to stand trial. The plea of the accused was total denial.

**POINT FOR DETERMINATION**

***Whether the accused persons, subjected informant/victim Musstt. Tarabanu Begum to cruelty, as alleged by her?***

4. During the trial, the prosecution has examined the informant/victim and on the basis of her evidence, the prosecution closed its further evidence. Then the accused are examined u/s-313, CrPC and their statements are recorded. The accused declined to adduce evidence. Accordingly, arguments from both

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sides are heard.

**DISCUSSION, DECISION AND THE REASONS THERE OF**

5. After going through the evidence on record of the informant /victim **Musst. Tarabanu Begum** (P.W.-1), I find that, the case was lodged due to ego between the parties arose out of some misunderstanding. The victim specifically deposed that, he contentions in her FIR are actually not her contentions and that she filed the case at the instigation of some villagers. Accordingly, I find that, there is no incriminating material against the accused **Md. Wazuddin Ali and Miss Mazida Begum** for warranting a conviction against them. Accordingly, I conclude that, the prosecution has miserably failed to substantiate its case and as such, the accused **Md. Wazuddin Ali and Miss Mazida Begum** are found not guilty and hence acquitted of the offence u/s 498(A), IPC.
6. The accused are set at liberty forthwith. The bail bonds will remain in force for next 6(six) months or till furnishing of fresh surety by the accused persons u/s 437(A), IPC, whichever is earlier.

*This judgment is pronounced in the open Court, which is given under my hand and seal of the Court, on this **1<sup>st</sup> day of August, 2018.***

**(A.M.Md. Mahiuddin.)**  
**Chief Judicial Magistrate,**  
**Baksa, Mushalpur.**

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A.M.Md.Mahiuddin  
Chief Judicial Magistrate,  
Baksa: Mushalpur.