

IN THE COURT OF SUB-DIVISIONAL

JUDICIAL MAGISTRATE

BETTIAH, WEST CHAMPARAN

Present : Ms.Komal Shandilya

[DATE OF JUDGEMENT:15-06-26]

[Complaint Case no. 3012/2013]

[CIS No .Complaint 409/16]

Complaint Case No. 2012/2013

Summoning u/s - 498A of I.P.C, 1860 and u/s 4 of the D.P.Act

Charges framed - u/s 498A of I.P.C, 1860 and u/s 4 of the D.P.Act

Plea of Accused- Not Guilty

COMPLAINANT	Rubi Khatun w/o Sukath Dewan, r/o Gonahi P.S-Sathi, District-Bettiah (West Champaran)
REPRESENTED BY	Sri Ld. Advocate
ACCUSED	(I) Sukath Dewan s/o Mujammil Dewan (II) Mujammil Dewan s/o Bhikhi Dewan (III) Ayesha Khatun w/o Mujammil Dewan All r/o Bishunpurwas, P.S-Shikarpur, District-Bettiah (West Champaran)
REPRESENTED BY	, Ld. Advocate

DATE OF OFFENCE	15.12.13
DATE OF FILING OF COMPLAINT	20.12.13
DATE OF FRAMING OF CHARGE	03.05.23
DATE OF COMMENCEMENT OF EVIDENCES	02.08.17 (before charge evidence) & 16.05.263 (after charge evidence)
DATE ON WHICH JUDGEMENT IS RESERVED	09.05.26
DATE OF OF THE JUDGEMENT	15.06.26
DATE OF THE SENTENCING ORDER, IF ANY	NA

DETAILS OF ACCUSED

Rank of the Accused	Name of Accused	Date of Arrest	Date of Released on Bail	Offences Charged with	Whether Acquitted or Convicted	Sent nce Imp sed	Period of detention undergone during trial for purpose of Section 428, Cr.P.C.

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Complaint Case No.3012/13 (CIS Reg No.409/16)

Rubi Khatun v/s Sukath Dewan and Ors

Present (P.O) : Ms.Komal Shandilya (S.D.J.M. Bettiah, West Champaran)

Date of Judgement: 15.06.26

1.	Sukath Dewan	06.07.17	06.07.17	u/ss. 498A of the I.P.C, 1860 and u.s 4 of the D.P.Act	Acquitted		
2.	Mujammil Dewan	23.01.17	23.01.17				
3.	Ayesha Khatun	23.01.17	23.01.17				

LIST OF PROSECUTION/DEFENCE/COURT WITNESSES

A. PROSECUTION:

RANK	NAME	NATURE OF EVIDENCE
PW-1	Rubi Khatun (complainant /victim), w/o Sukath Dewan	Oral
PW - 2	Md. Mansharif s/o Abdul Gani Dewan	Oral

B. DEFENCE:

RANK	NAME	NATURE OF EVIDENCE
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Complaint Case No.3012/13 (CIS Reg No.409/16)

Rubi Khatun v/s Sukath Dewan and Ors

Present (P.O) : Ms.Komal Shandilya (S.D.J.M. Bettiah, West Champaran)

Date of Judgement: 15.06.26

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C. COURT WITNESSES:

RANK	NAME	NATURE OF EVIDENCE
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LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS

A. PROSECUTION :

SR. NO.	EXHIBIT NUMBER	DESCRIPTION
1.		

B. DEFENCE :

Sr. No.	Exhibit number	Description
1.		

C. COURT EXHIBITS

Sr. No.	Exhibit number	Description
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D. MATERIAL OBJECTS

Sr. No.	Exhibit number	Description
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JUDGEMENT

1. The above named accused persons stand charged for offences u/s **498A of Indian Penal .Code, 1860** (hereinafter referred to as IPC). **and u/s 4 of the D.P.Act** (hereinafter referred to as D.P.Act) for making dowry demands from the complainant and subjecting her to cruelty for fulfilment of such demands.

Brief facts of the case and Procedural History :

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2. It is the case of the complainant that the informant Sarita Kumari was married to accused Sukath Dewan eleven years prior to the complaint case. As per the further allegations, almost 2 years of marriage, all the accused persons named in the complaint petition started making dowry demands from the complainant (rupees 500,000/- and a motorcycle) and upon non-fulfilment of such demands, they all started harassing and torturing her physically and mentally and drove her out of the matrimonial house on 15.12.23 after immense beating etc.
 3. On the basis of these facts complaint was filed u/s **498A of I.P.C, 1860 and u/s 3/4 of the D.P.Act** against nine of the accused persons named in the complaint petition. After recording SA of the complainant and enquiry witnesses, summoning order was passed u/s **498A of I.P.C, 1860 and u/s 4 of the D.P.Act**

against three accused persons namely Sukath Dewan (husband of the complainant); Mujammil Dewan (father-in-law) & Ayesha Khatun (mother-in-law). After the completion of appearance of the accused person, two witness were examined at the stage of before charge evidence and the stage was closed on 27.03.23

4. Charges were framed u/s **498A of I.P.C, 1860 and u/s 4 of the D.P.Act against and the** contents of the charges were explained to the accused person and upon understanding the charges, the accused person pleaded not guilty.
5. None of the witnesses appeared for cross examination at the after charge stage and finally the stage was closed on 03.02.26. The accused person was examined u/s 313 of the CrPC, in which he denied all the allegations and claimed to be innocent. No defence evidence was adduced.
6. After hearing the final arguments of both the parties, file has been posted for judgement today.

POINT FOR DETERMINATION

- Whether the complainant has been able to establish the ingredients of the alleged offences against the accused persons.
- Whether the prosecution has been able to prove the guilt of the accused persons beyond all reasonable doubts.

EVIDENCES

7. The prosecution has adduced following evidences in support of his claim:

i. **Oral Evidence:-**

a. CW1- Rubi Khatun (complainant/victim), W/o Sukath Dewan

b. CW 2 - Md.Mansharif s/o Abdul Gani Dewan

ii. **Documentary Evidence:-**

None.

The defence did not adduce any evidence, oral or documentary.

Analysis of the Evidences present on the record:

✓ 7. CW 1 is the complainant herself who has appeared in the case. In the examination in chief she has made general and omnibus allegations of dowry demand without any specific detail. In the cross examination during before charge evidence she has stated that the matter has been compromised between the parties and that she has no grievance against any of the accused persons.

CW 2 is the brother of the complainant and he has only appeared at the stage of before charge evidence and did not appear for further cross examination at the stage of after charge. Even he during his cross examination at the stage of before charge has stated that the matter has been settled amicably between the complainant and her husband and that there is no grievance remaining in the case.

No other witness has appeared to corroborate the allegations of dowry demand as made in the complaint petition.

None of the before charge witnesses have even appeared the stage of after charge detailed cross examination.

The testimony of CW-1, therefore, not only fails to support the complaint's version but, in material particulars, completely demolishes the very foundation of the allegations. Furthermore, no independent or corroborative witness has been examined to lend support to the allegations contained in the complaint petition. Both the

witnesses never appeared at the stage of cross examination, therefore their testimony has very limited value till framing of the charge. In the absence of any corroborative evidence, and when the complainant herself has withdrawn the allegations and exonerated the accused, the allegations remain wholly unproved.

In a criminal trial, the burden lies upon the prosecution/complainant to establish the guilt of the accused beyond reasonable doubt. Mere allegations made in the complaint petition are not substantive evidence and the same must be proved through reliable oral and documentary evidence during trial. In the present case, the complainant herself, who is the star witness of the prosecution, has not supported the allegations levelled against the accused and has categorically stated in her evidence that no dowry demand was made by her husband. Her testimony, therefore, fails to establish the essential ingredients of the offences punishable under Sections 498A IPC & u/s 4 of the Dowry Prohibition Act, 1961.

Further, in terms of Section 101 of the Bharatiya Sakshya Adhiniyam, 2023 (formerly Section 101 of the Evidence Act), the burden of proving the existence of facts constituting the offence lies upon the person who asserts them. The complainant having failed to prove the alleged demand of dowry and there being no independent corroborative evidence on record, the burden has remained undischarged. The evidence available on record falls far short of the standard required for recording a conviction. Rather, the testimony of CW-1 creates a serious doubt regarding the very occurrence of the alleged acts complained of. The time, place and date of occurrence remains unsubstantiated and no details have been provided by the complainant apart from general and omnibus allegations. Also, it appears from the record that she has no intention in proceeding with the case and the ingredients remain uncorroborated.

Therefore, this Court is of the considered view that the prosecution has failed to prove beyond reasonable doubt that the accused either demanded dowry or committed any act attracting the provisions of Sections 498A of the I.P.C and u/s 4 of the D.P.Act. Consequently, the accused is entitled to the benefit of doubt.

FINDINGS

09. On concerted and sincere perusal of all the materials available on the record and upon analysis of the evidences adduced by the prosecution, this court is of the view that the prosecution has failed to prove any of the charges of this case against the accused person beyond reasonable doubt, and the court finds the accused persons **not guilty**. Hence, following orders are hereby passed;

ORDERS

- The accused person namely, (I) Sukath Dewan s/o Mujammil Dewan (II) Mujammil Dewan s/o Bhikhi Dewan (III) Ayesha Khatun w/o Mujammil Dewan are hereby **acquitted** from all the charges (u/ss. 498A of I.P.C, 1860 and u/s 4 of the D.P.Act) levelled against him in this case
- The accused person and his bailors/sureties are also discharged from their respective liabilities as to their respective bail bonds.

The judgment is pronounced by me in open court.

Typed and corrected by me

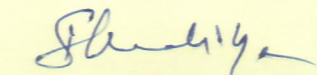

(Komal Shandilya)

S.D.J.M

Bettiah, West Champaran.

Dated on the 15th June of 2026.

Pronounced by me in open Court


(Komal Shandilya)

S.D.J.M

Bettiah, West Champaran

Dated on the 15th June of 2026