



IN THE COURT OF SESSIONS JUDGE :: MORIGAON

*Present: Smti F. Sultana, A.J.S.
Sessions Judge,
Morigaon, Assam*

Date of Judgment: 09.07.2025

Sessions Case No. 289/2022 U/S 498(A)/313 of IPC

(GR case No. 4451/2021, PRC No. 1015/2022)

Complainant	STATE OF ASSAM
Represented by	Mr. P. Hazarika, Ld. PP, Morigaon
Accused	Mujahidul Islam (A1) S/o Nur Islam R/o Village – Indiranagar P.S. – Jagiroad District- Morigaon, Assam.
Represented by	Mr. R.K. Roy, Ld. Advocate

Date of Offence	In between 01.09.2021 & 27.12.2021
Date of FIR	27.12.2021
Date of Charge sheet	18.03.2022
Date of Framing of Charges	04.01.2023
Date of commencement of evidence	24.08.2023
Date on which judgment is reserved	N/A
Date of Judgment	09.07.2025
Date of the Sentencing Order, if any	N/A

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 Trail for purpose of Sec. 428 Cr.P.C.
(A1)	Mujahidul Islam	N/A	N/A	498A/313 of IPC	Acquitted	Nil	N/A

J U D G M E N T

1. The prosecution case in brief is that on 27.12.2021 the complainant Elija Begum lodged an FIR before O/C Jagiroad P.S. alleging inter alia that prior to one year of lodging the FIR the complainant got introduced with one Mujahidul Islam while she was going to Jagiroad college and thereafter they started communicating with each other on her way to her college. Said Mujahidul Islam proposed her for love which was accepted by the complainant and after a few months they got married. After marriage they lived their conjugal life at Paliguri. After few days of her marriage the accused started torturing the complainant on demand of money as dowry. When the complainant was pregnant of one month the accused forcefully give her some medicines and after two days her pregnancy was terminated. In the month of November the accused forcefully drove her out from his house at Paliguri and since then the complainant was taking shelter in her parental home. During her stay at her parental home also the accused used to inflict mental and physical tortures on the complainant.

2. Receiving the said FIR the O/C of Jagiroad P.S. registered the present case as Jagiroad P.S. case No. 899/2021 u/s 498A/313/34 of IPC r/w section 4 of Muslim Women (Protection of Rights on Marriage) Act and investigation commenced. On completion of investigation, finding prima facie materials against the accused person

namely Mujahidul Islam u/s 498A/313/34 of IPC r/w section 4 of Muslim Women (Protection of Rights on Marriage) Act police laid charge-sheet. The accused was furnished with necessary copies of the case on his appearance before the trial court. On committal of the case from the court of learned Additional CJM, Morigaon, he appeared in this court for standing trial. Having heard both sides and after meticulous study of the case record, on 04.01.2025 my predecessor framed charges against the accused Mujahidul Islam u/s 498A/313 of IPC. When the charge was read over and explained to the accused person he pleaded not guilty and claimed to be tried.

3. In support of the prosecution case the prosecution examined 2 witnesses. As the victim (PW1) herself did not implicate the accused in this case the prosecution evidence was closed and examination of the accused u/s 313 of Cr.P.C. was dispensed with.

4. I have heard argument of both sides and gone through the evidence on record. I have considered the submissions of both the sides.

5. POINTS FOR DETERMINATION ARE:

- (i) *Whether the accused mentally and physically tortured the complainant in demand of dowry?*
- (ii) *Whether the accused caused miscarriage of the complainant by administering her with abortion pill without her consent?*

DISCUSSION, DECISION AND REASONS THEREOF:

6. The PW1 is the victim/complainant of this case. She deposed that on 01.09.2021 she got married with the accused. That she was the second wife of the accused.

During her conjugal life some domestic dispute took place for which she lodged this case. She stated that she falsely disclosed in her FIR as well in her statement before police and Magistrate that the accused administered her medicine without her consent causing her miscarriage. Her cross-examination was declined by the prosecution.

7. The PW2 is the father of the victim. He stated that about 3-4 years back the accused and his daughter had love affairs with each other and as such they eloped and got married. After some days of her marriage some disputes arose between the accused and his daughter regarding domestic affairs and so his daughter returned to her parental home and lodged this case against him. After lodging of the case the matter was amicably settled in a village meeting and both his daughter and the accused decided to separate from each other. In his cross-examination he stated that he have no objection if the accused is acquitted as now they have no connection with him.

8. The vital witness of the prosecution case is the PW1. She herself declined to implicate the accused. Moreover, she herself stated that she was in love with the accused and so she eloped with him and got married. She further stated that she gave false statement to the Magistrate as well as police and in her FIR that the accused administered her medicine without her consent causing her miscarriage. Since the prime witness has failed

to implicate the accused there remains nothing to be considered and discussed.

9. In view of above, it is held that prosecution failed to prove the guilt of the accused. Hence, accused is acquitted and set at liberty forthwith.

10. The bail bond executed by accused and his surety are extended for another six months from today u/s 437-A Cr.P.C.

11. The seized articles, if any, be returned to its owner.

12. There is no need to pass order granting compensation to the victim considering the evidence.

13. Send a copy of the judgment to learned District Magistrate, Morigaon u/s 365 Cr.P.C.

14. Judgment is pronounced in open court. The case is disposed of on contest.

Given under my hand & Seal of this Court on this the, 09th day of July, 2025 at Morigaon.

Sessions Judge
Morigaon, Assam

APPENDIX - 14

LIST OF PROSECUTION/ DEFENCE/ COURT WITNESSES

A. Prosecution:

RANK	NAME	NATURE OF EVIDENCE
PW1	Elija Ahmed	Informant/victim
PW2	Mainuddin Ahmed	Hearsay witness

B. Defence Witness, if any: NIL

C. Court Witness, if any: NIL

LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS

A. Prosecution:

Sr. No.	Exhibit Number	Description
1	Exhibit P1	FIR
2	Exhibit P2	164 Cr.P.C. statement of the victim

B. Defence: NIL

C. Court Exhibits: NIL

D. Material Objects: NIL

Sessions Judge
Morigaon, Assam