

Appendix-12**In the Court of Additional Sessions Judge****Morigaon, Assam**

Present: M. H. Ansari, A.J.S.
 Additional Sessions Judge, Morigaon

ASMR010023722022

Date of Judgment: 22.07.2025

SESSIONS CASE NO. 350/2022

U/s 498A/307 IPC

COMPLAINANT:	STATE OF ASSAM
REPRESENTED BY	MR. MUSTAFIZUR RAHMAN, Addl. Public Prosecutor
ACCUSED	Mukshidul Islam S/o Ismail Hussain R/o Village- Hahchora Gaon P.S. -Bhelowguri District -Morigaon, Assam
REPRESENTED BY	Mr. J. A. Bhutto, Ld. Advocate

Appendix-13

Date of Offence	05.06.2020 and prior to that
Date of FIR	06.06.2020
Date of Charge sheet	30.06.2020
Date of Framing of Charges	14.03.2023
Date of commencement of evidence	22.07.2025
Date of which judgment is reserved	22.07.2025
Date of judgment	22.07.2025
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.P.C.
A1	Mukshidul Islam	07.06.2020	17.06.2020	U/s 498A/307 of the IPC	Acquitted	NA	10 days

JUDGEMENT

1. The prosecution case in brief is that on 06.06.2020, the informant Kalim Uddin, S/o Umar Ali, R/o Village-Dungarpar, PS- Moirabari, District- Morigaon lodged a written FIR in Bhelowguri Police Station and inter alia stated therein that about one year prior to lodging of the FIR, his daughter namely Pakija got married to the accused Mukshidul Islam. However, since after three months of marriage, his daughter had been subjected to torture both physically and mentally in demand of dowry. That on 05.06.2020, at about 6:30 pm, again in demand of dowry the accused Mukshidul Islam assaulted his daughter with fist blow and sticks causing severe injuries on her person and that the accused also tried to kill his daughter by hanging her by neck. That on arrival of neighbours, her life was saved. Hence, the case.

2. On receipt of the FIR, the Officer-in-Charge, Bhelowguri Police Station registered a case vide Bhelowguri PS Case No. 45/2020 u/s 498A/307/34 of the IPC and investigated the same. On completion of investigation, the IO submitted charge sheet against the accused person namely Mukshidul Islam only for offences u/s 498A/307 of the IPC. However, the other FIR named accused persons namely Hashen Ali, Kashem Ali, Hatem Ali, Sohikul Islam and Ismail Hussain were not sent up for trial due to lack of evidence against them.

3. The instant case being charge sheeted for commission of offences punishable u/s 498A/307 of the IPC, the same

was committed to the Court of the Sessions Judge, Morigaon by the learned JMFC, Morigaon after complying with the provision of Section 207 Cr.P.C. as per mandate of Section 209 Cr.P.C. as offences u/s 307 of the IPC is exclusively triable by Court of Sessions.

4. On receipt of the case record on being committed, the then Honorable Sessions Judge, Morigaon heard learned counsel for both the sides on the point of charge and considering the materials on record the charges u/s 498A/307 of the IPC was framed against the accused Mukshidul Islam. The particulars of the said charge were read over and explained to the accused to which he pleaded not guilty and claimed to be tried. Thereafter, the Honorable Sessions Judge, Morigaon was pleased to make over the case to the Court of learned Assistant Sessions Judge, Morigaon vide order dated 20.12.2023 for trial and disposal of the case.

5. Subsequently, the case was sent back to the Court of Hon'ble Sessions Judge, Morigaon vide order dated 06.09.2024 as per Notification No. HC.VII-150/2024/8370/A dated 21.08.2024, issued by the Hon'ble Gauhati High Court. Thereafter, the Hon'ble Sessions Judge, Morigaon was pleased to transfer the case to this Court for disposal vide order dated 07.03.2025.

6. In order to substantiate its case, prosecution examined the victim. The learned Additional Public Prosecutor prayed to close the prosecution evidence as the victim did not support the case of the prosecution. The

recording of the statement of the accused u/s 313 of the Cr.P.C. is dispensed with for want of material.

7. I heard oral argument advanced by Learned Counsel for both parties.

8. **POINTS FOR DETERMINATION:**

(i) Whether on 05.06.2020 and prior to that, the accused person being the husband of the victim Pakija Begum tortured her physically and mentally and subjected her to cruelty in demand of dowry and thereby liable to be punished u/s 498A of the IPC?

(ii) Whether on 05.06.2020, at about 6:30 pm, the accused person being the husband of the victim Pakija Begum attempted to kill her by hanging her by neck and he did the said act with such intention or knowledge, and under such circumstances that, if he by his said act caused death of Pakija Begum, he would be guilty of murder, and thereby, liable to be punished u/s 307 of the IPC?

APPRECIATION OF EVIDENCE

9. The PW-1, Pakija Begum, who is the alleged victim, deposed in her evidence that she knows the informant Kalimuddin, who is her father. She knows the accused person, who is present in the court. That the accused is her ex-husband. The occurrence took place in the year 2020. She got married with the accused in 2019. She lived with the accused for about 1 year. They had some quarrel after the marriage regarding some domestic matters. Her father

then lodged an FIR against the accused person. However, subsequently the accused and she got separated by way of Talak. Presently she is married again and stays in Dhekiajuli.

10. In cross-examination, she stated that she has no objection if the accused is acquitted.

DISCUSSION, DECISION & REASONS THEREOF

POINT NOS. 1 & 2

11. The accused is charged with the offences of subjecting his former wife (PW.1) with cruelty in demand for dowry and attempt to murder her.

12. The FIR alleges that the accused had subjected his then wife (PW.1) to physical and mental torture in demand of dowry. The FIR further says that on 05.06.2020, at about 6:30 pm the accused in demand of dowry assaulted his then wife (PW.1) with fist blow and sticks and caused severe injuries on her person. It is also alleged in the FIR that the accused also tried to kill his then wife (PW.1) by hanging her by neck. Be that as it may, the victim (PW.1) in her testimony stated that the accused is her former husband. That she got married with the accused in 2019. That she lived with the accused for about 1 year. That they had some quarrel after the marriage regarding some domestic matters. So, her father then lodged an FIR against the accused person. However, subsequently the accused and she got separated by way of Talak. Thus the testimony of the victim reveals that she has not implicated the accused of subjecting her to cruelty for dowry or money. She also did not implicate the accused of attempting to murder her.

She just stated that a quarrel took place between her and the accused with regard to some domestic matter. Situated thus, I am of the considered view that no offences u/s 498A and 307 of the IPC is made out against the accused person. The prosecution has utterly failed to show that the accused subjected the victim (PW.1) to cruelty. The prosecution also failed to prove that the accused attempted to murder the victim (PW.1). Accordingly, these points are answered in negative.

ORDER

13. In light of the aforesaid discussion, I hold that the prosecution has failed to establish the guilt of the accused u/s 498A and 307 of the IPC. Accordingly, the accused Mukshidul Islam is acquitted of the offences under section 498A and 307 of the IPC and set at liberty forthwith.

14. The bail bond of the accused person stands extended to a period of six months w.e.f. today.

15. Let the record of PRC Case No. 1204/2020 (GR Case No. 1465/2020) be sent back along with a copy of this judgment and order.

16. The case stands disposed of on contest.

Judgment is pronounced in open Court and given under my hand and the seal of this Court on this 22nd day of July, 2025.

Additional Sessions Judge
Morigaon, Assam

Appendix-14

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	Pakija Begum	Victim

B. Defence Witnesses, if any:

Rank	Name	Nature OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
Nil	Nil	

C. Court Witnesses, if any:

Rank	Name	Nature OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
Nil	Nil	Nil

LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS**A. Prosecution:**

Sr. No.	Exhibit Number	Description
Nil	Nil	Nil

B. Defence:

Sr. No.	Exhibit Number	Description
Nil	Nil	Nil

C. Court Exhibits:

Sr. No.	Exhibit Number	Description
Nil	Nil	Nil

D. Material Objects:

Sr. No.	Exhibit Number	Description
Nil	Nil	Nil

Additional Sessions Judge
Morigaon, Assam