

GAHC010013882016



2026:GAU-AS:618

THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : Crl.Rev.P./110/2016

MD. HILLALUDDIN AHMED and ANR.
S/O- MD. JALIL AHMED, R/O- SIXMILE, GUWAHATI, DIST.- KAMRUP M,
ASSAM.

2: RASHIDA BEGUM
W/O- AMINUR RAHMAN
R/O- PURAN BASTI
DIST.- KAMRUP M
ASSAM

VERSUS

THE STATE OF ASSAM AND ANR
THROUGH THE PUBLIC PROSECUTOR, ASSAM, GAUHATI HIGH COURT,
GHY- 1.

2:MUSSTT. TASNEEN AHMED
D/O- MD. MUSLIMUDDIN AHMED
W/O- MD. HILALUDDIN AHMED
R/O- MACHKHOWA
OPPOSITE A.S.T.C.
P.S.- BHARALUMUKH
GUWAHATI
DIST.- KAMRUP M
ASSAM

Advocate for the Petitioner : MR.S DUTTA, MS.S ROY

Advocate for the Respondent : , PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE PRANJAL DAS

Date : 20-01-2026

JUDGMENT & ORDER (CAV)

1. Heard Mr. S. Dutta, learned counsel for the petitioners. Also heard Ms. N. Das, learned Additional Public Prosecutor, Assam.
2. Invoking sections 397/401 Cr.P.C, the two petitioners herein, namely, **Md. Hillaluddin Ahmed** and **Mrs. Rashida Begum** are seeking interference with the judgment and order dated **18.01.2016** passed by the learned Additional Sessions Judge No.4 (FTC), Kamrup(M), Guwahati in *Criminal Appeal No. 72 of 2015*, whereby the learned Appellate Court was pleased to uphold the judgment and order dated **24.06.2015** passed by the learned CJM, Kamrup(M) in *GR No. 3951/2008*- whereby the petitioners as accused were convicted under 498(A) IPC and sentenced to undergo **simple imprisonment (SI) for 3 (three) months each** and pay a **fine of Rs.5,000/-each**{*in default to undergo SI for one month each*}.
3. The facts in brief are that on 31.05.2008, the informant/victim, Tasneem Ahmed lodged an FIR before the All Woman Police station Guwahati alleging that after her marriage with the petitioner No.1, he and his family members had subjected her to physical and mental torture upon demand of money and despite payment of Rs.2,00,000/-, such ill treatment continued. She further alleged that on 28.05.2008, she was assaulted by her husband and family members causing injuries.
4. Upon receipt of the FIR, **All Woman PS Case No.37/2008** was

registered under Section 498(A)/34. The corresponding GR is **GR No. 3951/2008**. An investigation was started, which resulted in a charge-sheet.

5. Subsequently, trial also commenced, during which the prosecution examined **five witnesses**, including the informant/victim, her parents, doctor and IO. The defence examined two witnesses, including the father of the husband. Upon completion of trial, conviction and sentence was passed as mentioned above. Though the same was taken up in appeal before the Sessions Court, but the appeal came to be dismissed, giving rise to the present revision.

6. Partly scanned and partly original case record have been received from the learned appellate court. As reflected in the order dated 07.09.2017, the respondentNo.2/informant was duly noticed, but she did not choose to appear and today also, none appears on her behalf for the hearing.

7. It is submitted by the learned counsel for the petitioner that there are several contradictions in the testimony of the PW-1, 2 and 3 who are the informant and her parents and they also happen to be interested witnesses. It is submitted by the learned counsel that though the informant as PW-1 has stated about her medical examination at MMC hospital, but her father has not stated regarding the same. It is also submitted that the PW-1/informant has stated about paying Rs.2,00,000/-to the husband and his family, but in the testimony of her father, it is revealed that he paid Rs.1,00,000/- to her, even before the harassment/torture had started and that the same was supposedly sought for by her for investments.

8. It is submitted by the learned counsel that there are also contradictions

with regard to the time when her parents had supposedly arrived at the place of occurrence to take her back, after the alleged act of assault. Moreover, the two cousins who were stated to have accompanied to the matrimonial home to bring her back were not examined during the trial.

9. It is submitted by the petitioner's counsel that though the alleged incident of assault took place on 28.05.2008, but her medical examination was on 31.05.2008 and in the intervening period, it is not clear as to whether she sustained such injuries due to reasons, other than any assault attributed to the petitioner side.

10. The petitioner's counsel submits that the contradictions that have emerged the testimony of the family members are of a material nature and therefore, there is some doubt on the prosecution story and therefore, prays for allowing this revision.

11. On the other hand, Ms. Das, learned Additional Public Prosecutor submits that it is reflected by the learned court that the injuries at the time of examination were 3-4 days old and which tallies with the time span between the date of incident on 28.05.2008 and the date of examination on 31.05.2008.

12. I have perused the revision petition, the impugned appellate judgment as well as the judgment of the learned trial Court, the depositions before the learned court below and other relevant materials.

13. The instant criminal revision being one against the appellate judgment confirming the conviction and sentence passed by the learned trial court - the scope, thereof, is somewhat limited. Such a revision against conviction cannot

be a second appeal in criminal law. The Court basically has to see whether the impugned judgment of the learned court below - suffers from any gross error or material irregularity or perversity -so as to justify interference with the same.

14. Upon going through the evidence on record, I find that in the testimony of the victim/PW1, she has deposed about the demand for money by the husband and his family members including sister-in-law Rashida, who is petitioner No. 2 herein. The total demand of Rs. 5,00,000/- as revealed from the testimony of PW1/victim has been corroborated by the testimony of PW2, her father and PW3, her mother. PW1 has also revealed in her testimony about payment of Rs.2,00,000/- to husband and the same has been corroborated by her mother as PW3 and her father as PW2. Her father, however, has stated about giving Rs. 1,00,000/- to his daughter. PW1 has revealed in her testimony that out of Rs.2,00,000/-, she paid Rs.1,00,000/- from her savings. Thus, this aspect of the testimony is in harmony with the testimony of PW2 that he paid Rs.1,00,000/- to his daughter. PW1 has also stated about receiving Rs.1,00,000/- from her father. Her father as PW2 has also stated about payment about Rs.2,00,000/- to the husband.

The learned trial court has also stated about the testimony of the victim and her statement recorded before Magistrate during investigation as being broadly on similar lines, except for some minor contradictions.

15. In my considered opinion the said deduction and conclusion of the learned trial court is not erroneous.

With regard to the demand of money and payment of Rs.2,00,000/- thereof -

the testimony of PWs 1,2 and 3 are consistent, cogent and reliable and the learned court below has not made any error in relying upon the same.

16. With regard to the demand for money - some of the contradictions pointed out in the submissions of the learned petitioner counsel – are in the nature of minor infirmities which would not defeat the prosecution case. The finding of the learned trial court on those lines is, therefore, not erroneous.

17. With regard to the allegation of assault, PW1 has cogently testified about being assaulted by her husband and sister-in-law *Rasida*, leading to her sustaining injuries on her face. The assault upon the victim on 28/05/2008 in her matrimonial home is corroborated by the testimonies of PW2 and PW3. Most importantly, the doctor testifying as PW5 has deposed about finding injuries upon her, pursuant to her medical examination on 31/05/2008. The said injuries were as follows:

(i) Abrasion on the forehead with early scab formation, 1 cm X 0.5 cm in size;

(ii) Abrasion over sternum with early scab formation, 1 cm X 1 cm in size;

(iii) Bluish black contusion over bridge of nose, 1 cm X 1 cm in size.

18. The doctor opined that the injuries were simple and caused by a blunt object and the injuries are 3-4 days old. The age of the injuries mentioned by the doctor in his evidence, is compatible with the evidence that the assault took place on 28/05/2008 and medical examination as per the doctor's evidence was on 31/05/2008. The medical evidence, thus, lends corroboration to the ocular evidence of PW1 who is the victim-cum-eye witness. The same in turn finds corroboration from the testimony of PW1 and PW2 – parents of the victim – both of whom have testified regarding the assault upon their daughter

on 28/05/2008,whereafter their daughter came back to their parental house and started staying there.

19. Even with regard to the assault and examination in MMC Hospital Guwahati, the infirmities pointed out by learned counsel for the counsel are minor infirmities, which do not damage the prosecution case in any significant manner.

20. Before proceeding further, the ingredients of section 498A IPC may be reproduced herein below: –

Husband or relative of husband of a woman subjecting her to cruelty. –

Whoever, being the husband or the relative of the husband of a woman, subjects such woman to cruelty shall be punished with imprisonment for a term which may extend to three years and shall also be liable to fine.

Explanation – For the purpose of this section, “cruelty” means-

(a) any willful conduct with is of such a nature as is likely to drive the woman to commit suicide orto cause grave injury or danger to life, limb or health (whether mental or physical) of the woman; or

(b) harassment of the woman where such harassment is with a view to coercing her or any person related to her to meet any unlawful demand for any property or valuable security or is on account of failure by her or any person related to her to meet such demand.

21. In the instant case, even if the assault upon the victim by the petitioners on 28/05/2008 are not of a degree indicated by Explanation (a) to Section 498A IPC – nevertheless, the evidence on record definitely proves that the petitioners were responsible for harassing/torturing/assaulting the victim - to force her to meet unlawful demand of money and/or for her failure to meet their complete demands. Thus, such act or conduct of the petitioners would come within the ambit of Explanation (b) to Section 498A IPC.

22. Thus, within the limited jurisdiction of the instant criminal revision against conviction, I am of the considered finding that the learned trial court and the learned appellate court have not committed any error in holding that – the allegations of demand of money and of assault/torture/harassment upon PW1/victim, in connection with such demands - has been proved by the prosecution case, during the trial.

23. Consequently I do not find any error in the conviction of the petitioners under Section 498A IPC, recorded by the learned trial court and upheld by the learned appellate court. The said conviction of the petitioners u/s 498-A IPC is therefore, **upheld and confirmed.**

24. However, considering the long elapse of time, since the incident in 2008, I am inclined to make some reduction in the term of imprisonment, while enhancing the fine amounts.

25. It may be mentioned herein that compulsory prison term is provided for, as regards the sentencing for the offence under section 498A IPC. Hence, there is no scope for imposing a sentence of only fine.

26. Therefore, it is directed that instead of the sentence imposed by the learned trial court and the learned appellate court - the petitioners, are hereby sentenced to undergo **simple imprisonment (SI) for 7(seven) days each.**

The learned courts below had imposed a fine of Rs.5,000/- on each of the petitioners. Upon modification of the prison term by way of reduction, I am inclined to enhance the fine amount.

Therefore, in addition to the simple imprisonment of 7(seven) days, the

petitioners are also imposed with a **fine of Rs. 15,000/-, each***{In default, undergo simple imprisonment for 5(five) days each}*.

The total fine amount of Rs. 30,000/- (Thirty Thousand) upon being realized, shall be paid as compensation to the victim, in exercise of powers u/s 395(1) (b) BNSS{corresponding to Section 357(1)(b) of CrPC (as it existed)}.

26. With the aforesaid modification of the sentence, the criminal revision stands disposed of.

27. Send back the original case record, if any, along with a copy of this judgement and order, to the learned courts below.

JUDGE

Comparing Assistant