

**IN THE COURT OF THE JUDICIAL MAGISTRATE FIRST CLASS, Hatsingimari, Dhubri.**

**Misc. Case NO: 243/2016  
U/S. 125 Cr.P.C**

**Noor Mahal Bibi  
VS  
Mobarak Hussain**

**PRESENT: PRASENJIT DAS,  
JUDICIAL MAGISTRATE FIRST CLASS,  
Hatsingimari, Dhubri**

**APPEARANCES:**

**Adv for the Petitioner: Sadek Ali, S.I.Khandakar  
Adv. for the Opposite Party: None**

**DATE OF EVIDENCE: 21.12.16**

**DATE OF ARGUMENT: 9.01.17**

**DATE OF JUDGMENT: 16.01.17**

**Ex-Parte Final Order**

1. This is a petition under section 125 Cr.P.C. The case of the petitioner in brief is that she married the opposite party about 25 years ago and five children were born out of wedlock as per Islamic Shariat Law and about three months ago from the date of filing of this petition the opposite party demanded dowry of Rs One lakh and badly assaulted her and ousted her from the matrimonial

house along with two minor children one female, aged 7 years and one male, aged 9 years, keeping the other three male child with him. According to petitioner the opposite party has a tea shop at Baghapara daily Bazar, has 6/7 bighas of landed property, is a sound man bearing good health and from all sources earns about Rs Thirty thousand per month. In her petition the petitioner prays for Rs 5,000/- per month as maintenance for herself and Rs Six Thousand per month for her two minor children from the date of filing of this petition.

2. The opposite party received notice, did not contest the case and so the case proceeded ex-parte. Heard Ld counsel for the petitioner.

**3. FOLLOWING POINT HAS BEEN SET UP FOR DETERMINATION**

- (a) Whether the opposite party being the husband of the petitioner and having sufficient means neglected or refused to maintain the petitioner and the two minor children?**
- (b) To what other reliefs the petitioner is entitled to according to the facts and circumstances of the case?**

**4. DISCUSSION ON THE POINT FOR DETERMINATION AND  
DECISION ARRIVED THEREON WITH REASONS:**

7.1. Evidence of PW1, the petitioner reiterated her claim in her evidence and so it is not repeated herein for the sake of brevity. Section 125 Cr.P.C is a beneficial social legislation. In the case at hand I don't find anything to believe the case of the petitioner. Five children out of wedlock and the eldest being now 20 years and demand for dowry at this stage is not at all believable. Any common man of reasonable understanding would not believe it to be true and as such both the issues goes against the petitioner. The case of the petitioner is dismissed.

ORDER

The case of the petitioner is dismissed as the case and the evidence is not at all believable.

Given under my hand and seal of this Court on this the 16<sup>th</sup> day of January 2017.

**Prasenjit Das, A.J.S**

**APPENDIX**

**A. Prosecution Exhibit: Nil**

.

**B. Defence Exhibit: Nil.**

**C. Exhibit produced by witness:**

**D. Prosecution Witnesses:**

- **P. W. 1:** Noor Mohol Bibi /**Petitioner.**

**E. Defence Witnesses:** Nil.

**F. Court Witness:** Nil.

**Prasenjit Das.A.J.S**