

**BEFORE THE COURT OF JUDICIAL MAGISTRATE FIRST CLASS, GOHPUR**  
**SONITPUR**

**PRC Case No.193/2020**  
**Under Section 498 A, Indian Penal Code**

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STATE OF ASSAM

.....PROSECUTION

**-VERSUS-**

Mr. GOPAL PAIK  
S/O Mr. KUSHACHANDRA PAIK  
GHEMARUJAN,  
P.S- GOHPUR  
DIST.- BISWANATH

.....ACCUSED

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**PRESENT:** *Mr. RAJ SEKHAR DUARA, JUDICIAL MAGISTRATE FIRST CLASS,  
GOHPUR*

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**ADVOCATE FOR THE PROSECUTION:**

*SANTANA BHUYAN, A.P.P*

**ADVOCATE FOR THE ACCUSED PERSON:**

*DEBOJIT DUTTA*

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**CHARGE FRAMED ON:**

12.02.21

**EVIDENCE RECORDED ON:**

25.02.21

**ARGUMENT HEARD ON:**

25.02.21

**JUDGMENT DELIVERED ON:**

25.02.21

## JUDGMENT

### ***FACTUAL SCENARIO***

1. The Prosecution's case can be surmised as: one Ms. Dipamoni Paik had lodged an F.I.R. dated 03.12.2019 before the officer in charge of the Gohpur Police station alleging inter alia that her husband, Mr. Gopal Paik had routinely meted out acts of cruelty by physical and mentally abusing her on several instances for unlawful demands of dowry and finally left with no alternative and in fear for her own safety, she had taken the recourse of reporting the matter to the police. Hence, this case.

### ***INVESTIGATION BY POLICE AND CHARGESHEET***

2. On receipt of the F.I.R., O/C Gohpur P.S registered it as Gohpur P.S. No.515/19 under Sections 498 A, 325, 506 of the Indian Penal Code and had entrusted SI, Shyamal Neog to initiate investigation into the matter. On completion of such investigation, the police submitted charge-sheet against the accused, Gopal Paik under Section 498 A of Indian Penal Code.

### ***APPEARANCE OF THE ACCUSED AND TRIAL***

3. In due course, the accused person entered his appearance in response to the process issued. Copies of the relevant documents stipulated under section 207, Cr.P.C were furnished to the accused person. Subsequently, formal charge Under Section 498 A was framed and the same was read over and explained to the accused person to which he pleaded not guilty and claimed to be tried.
4. During trial, in support of their case, the prosecution examined 2 (two) witness and exhibited 1 (one) document after which prosecution submitted for closure of its evidence and accordingly, evidence for prosecution was closed. Since the aforementioned witnesses did not bring forth any incriminating materials against the accused in their respective depositions, the statement defense of the accused person as mandated by Section 313, Criminal Procedure Code was dispensed with due to lack of sufficient materials. Defense did not adduce any evidence.

**POINT FOR DETERMINATION**

5. Upon hearing both the parties and on perusal of the case record, the following point for determination has been formulated by this court to arrive at a definite finding.

***i) Whether the accused person, on or about the 3<sup>rd</sup> day of December, 2019 and also on previous occasions, being the husband of the informant subjected her to acts of cruelty by physically and mentally harassing her for unlawful demands of dowry and thereby committed an offence punishable under Section 498 A IPC?***

6. I have heard the learned counsel on both sides and have gone through the evidence on record which has been outlined below.

**EVIDENCE**

7. P.W.1, Ms. Dipamoni Paik, the informant has deposed in her examination-in-chief that that she had lodged the FIR. She proved the F.I.R. as Exhibit-1 and her signature over the same as Exhibit 1(1). She stated that she had developed petty differences with her husband/ accused and there was a trifle verbal altercation between them, as a consequence of which some misunderstanding crept between them. In furtherance of such misunderstanding, she had filed the instant F.I.R. after being emotionally triggered, sans any reason. She further deposed that they have resolved their differences now and are leading a peaceful conjugal life. She finally expressed her desire that she wants to put an end to the proceedings of this case adding that she has no objection if the accused person is acquitted from this case.
8. P.W.2, Mr. Ramesh Paik also reiterated the same version of events as was suggested by P.W.1 by stating that the F.I.R. was lodged out of some misunderstanding between the parties.

***DISCUSSION, DECISION AND REASONS THEREOF***

9. After a thorough deliberation upon the evidence of the P.W.s and all other materials available on record, it transpires that there are no incriminating materials to constitute an offence which is punishable under Section 498 A of the Indian Penal Code. It is also imperative to acknowledge that the prime witness, who is the victim herself, stated nothing incriminatory against the accused person. Furthermore, it is pertinent to assert that the Prosecution has failed in establishing the guilt of the accused beyond reasonable doubt which is the standard of proof in every criminal proceeding. In light of the same and after careful consideration of all the materials on record, the accused person is found not guilty for the aforesaid offences. Situated thus, the accused person, Mr. Gopal Paik is hereby ***acquitted*** from this case and set at liberty forthwith.
10. The bail bond of the accused person and his surety shall remain in force for a period of 6 months from today in compliance with Section 437 (A), Criminal Procedure Code.
11. The Case accordingly stands disposed of.
12. Given under my hand and seal of this court on this 25<sup>th</sup> day of February, 2021 at Gohpur.

***Typed by me***

**(Raj Sekhar Duara)**  
**Judicial Magistrate First Class,**  
**Gohpur, Sonitpur**

**APPENDIX**

**PROSECUTION EXHIBIT:**

Exhibit 1: FIR dated 03.12.2019

**DEFENCE EXHIBIT: NONE**

**PROSECUTION WITNESSES:**

P.W.1- Ms. Dipamoni Paik

P.W.2- Mr. Ramesh Paik

**DEFENCE WITNESS: NONE**

**(Raj Sekhar Duara)**  
**Judicial Magistrate First Class,**  
**Gohpur, Sonitpur**