

IN THE COURT OF SUB DIVISIONAL JUDICIAL MAGISTRATE (S)
SONITPUR, TEZPUR, ASSAM.

GR. NO : 2225 of 2011

The State of Assam

VS

1. Uttam Das

.....Accused.

Present : ABDUL KADER
SDJM (S), Sonitpur, Tezpur, Assam.

Counsel for prosecution: Mr. A Baruah, Learned APP.

Counsel for the defence: Mr. P Ch. Sharma

Date of evidence : 16.01.2014.

Date of argument : 07.05.2014

Date of judgment : 07.05.2014

J U D G M E N T

One Mrs. Mamoni Das filed an FIR alleging interalia that she was married with the accused and started conjugal life. After three months the accused started torture upon her in connection with demanding dowry. On 13/10/2011 the accused assaulted her and drove her from the house.

The Officer- in-Charge of the Sootia police station after receiving the FIR registered a case vide Sootia P.S. case no .117/11 u/s 498(A) IPC and took up investigation thereon. During investigation the Investigating Officer recorded statement of the witnesses. After completion of the investigation, the Investigating Officer submitted charge sheet u/s 498(A) IPC against the accused person.

Upon appearance of the accused before the court, copy was furnished to him as per section 207 Cr.P.C. Having regards to the materials on the case record, charge of offence u/s 498(A) IPC was framed and read over and explained to the accused to which they pleaded not guilty and claimed to be tried.

In the course of trial the prosecution examined following witness(s):

PW-1: Smti. Mamoni Das

The prosecution also proved following document(s):

Exbt-1: FIR

Examination of the accused person(s) u/s 313 CrPC has been dispensed with. Defence did not adduce any evidence.

Heard argument of the learned APP for the prosecution and learned counsel for the defence.

POINTS FOR THE DECISION :

1. Whether the accused person being the husband of the PW-1 torture her demanding dowry, thereby committed offence under section 498(A) IPC?

DECISION AND REASONS FOR DECISION :

PW- 1 deposed that she is the informant. She was married with the accused . There was quarrel between the couple during the conjugal life. She filed this case out of anger. Later on, the matter is amicably settled between the parties. They resumed their conjugal life.

From the evidence of the Prosecution witness it appears that there was quarrel between the accused person and the informant. The matter already is settled amicably between the parties. Both parties resumed their conjugal life. Prosecution witness has no allegation against the accused person.

In the above discussion, I am of the opinion that the prosecution fail to prove the case against the accused person beyond reasonable doubt. Hence the accused is deserved to be acquitted of the charge.

In the above view the accused person Uttam Das is acquitted of the charge u/s 498(A) IPC. Set him at liberty.

Given under my hand and seal of the court, on this 07th May 2014.