

IN THE COURT OF JUDICIAL MAGISTRATE FIRST CLASS

TEZPUR, ASSAM

P.R CASE NO:1110 OF 2019

Under Section 498(A) of the Indian Penal Code

State of Assam

.....PROSECUTOR

-Vs.-

1. Sri Junti Das

S/o Ram Das

Village- Kalibari

P.S-Tezpur, Dist- Sonitpur

.....ACCUSED

PRESENT: VISHEK BHUYAN, LL.M, AJS

JUDICIAL MAGISTRATE FIRST CLASS, TEZPUR

FOR PROSECUTION: LD. APP. Mr Tapan Das

FOR THE ACCUSED: Sri S. Borah

EVIDENCE RECORDED: 05.02.2021

JUDGEMENT DELIVERED ON: 09.02.2021

JUDGMENT

1. The accused persons Sri Junti Das stood trial for offence punishable under Section 498(A) of Indian Penal Code (hereinafter IPC).

Information and Investigation

2. The genesis of this case has its roots with the lodging of Ejahar by informant Smti. Minti Das on 22.09.2018 wherein the informant has alleged that she got married to the accused around 20 years back and since then the accused person has subjected her to both physical and mental cruelty and also the accused demanded money from her. The accused also used to beat her up if she was unable to meet the demand. As a result of which she was living with her mother since the last 1.5 years. Thereafter, the accused person came and took her back to his house and currently is living with him. But he has gone back to his old ways by subjecting her to cruelty and torture once again. The accused chased her out of his house and hence this ejahar.
3. The Ejahar was registered as Tezpur P.S Case no 1952/18 U/s 498(A)/323 IPC. The police after investigation submitted charge sheet against the accused person under sections 498(A) IPC.

Trial

4. Cognizance was taken of the Charge sheeted offences and processes were issued upon which the accused person appeared and copies of the relevant documents were furnished to them in compliance with section 207 of Code of Criminal Procedure (hereinafter referred as Cr PC). The particulars of the offences were explained to the accused person, to which they pleaded not guilty and claimed to be tried.
5. In this case, the prosecution has examined the informant as PW-1. Considering testimony of the informant, the prosecution declined to further adduce evidence in this case. Hence, the evidence of prosecution side is closed. Examination of accused persons u/s 313 CrPC dispensed with as the prosecution did not adduce any implicating evidence against them.

6. After hearing the learned Counsel of both sides and after perusal of the case record, I do hereby frame the following points of determination.

POINTS FOR DETERMINATION

i. Whether the accused person Sri Junti Das being the husband of the informant-cum-victim Minti Das had subjected her to cruelty both physically and mentally after marriage with a view to coerce her and thereby committed an offence punishable U/s 498(A) IPC?

PROSECUTION EVIDENCE

Evidence of the informant

7. **P.W 1 Smti Minti Das** is the informant-cum-victim in this case. She states that the accused person is her husband and she lodged this case in 2018 due to some misunderstanding. Currently they are living together. She also goes on to state that she has no objection if the accused person is acquitted of the charges.

DISCUSSIONS, DECISIONS AND REASONS THEREOF

8. Upon a perusal of the evidence, it is clear that the informant-cum-victim of this case does not wish to proceed with the case, as the case was lodged due to her facing cruelty but since then the matter has been resolved among the two parties amicably and presently are living together.
9. As such the prosecution has failed prove that the accused persons have committed the offences u/s 498(A) IPC beyond reasonable doubt.

ORDER

In light of the above, it is held that the prosecution has failed to prove the case U/s 498(A) of IPC against the accused Sri Junti Das beyond all reasonable doubt. Hence, he is hereby **acquitted** and set at liberty forthwith.

However, his bail bond shall remain in force for a period of next 6 (six) months as provided by section 437A Cr PC.

Given in my hand and under the seal of this court on this the 09th day of February, 2021.

Typed by Me: Sri Vishek Bhuyan, JMFC, Sonitpur, Tezpur

(Mr Vishek Bhuyan)
Judicial Magistrate First Class
Sonitpur, Tezpur

APPENDIX

Prosecution Witness:

PW-1: Smti. Minti Das

Defence Witness:

NIL

Prosecution Exhibits:

Ext-1: Ejahar

Ext-2: Chargesheet

Defence Exhibits:

NIL

(Mr Vishek Bhuyan)
Judicial Magistrate First Class
Sonitpur, Tezpur