

APPENDIX-12

<p><u>IN THE COURT OF CHIEF JUDICIAL MAGISTRATE, SONITPUR</u></p> <p><u>TEZPUR</u></p> <p>Present:- Sri Nabajit Bhatta. AJS. MA, LL.B. Chief Judicial Magistrate, Sonitpur, Tezpur</p> <p>[Date of the Judgment] 15.10.2022</p> <p>[PR Case No-771 of 2019]</p> <p>(FIR NO-2078/2018 DATED-08.10.2018/CRUELTY AGAINST WOMAN CASE AND TEZPUR POLICE STATION)</p>	
COMPLAINANT :	STATE OF ASSAM OR Smt. Anindita Saikia @ Maina, W/O:- Sri Parthajit Nath, D/O:- Sri Mahendra Saikia R/O:- Nabapur, P/S:- Tezpur, Dist:- Sonitpur, Assam
REPRESENTED BY	Mrs. Karabi Das, Ld. Asst. P.P
ACCUSED PERSON	Sri Parthajit Nath, S/O:- Sri Dhaneswar Nath, R/O:- Ushanagar By Lane No-17, P/S:- Tezpur, Dist:- Sonitpur, Assam
REPRESENTED BY	Mr. Arbinda Das, Ld. Counsel

APPENDIX-13

Date of Offence	06.02.2018 & 07.09.2018
Date of FIR	08.10.2018
Date of Charge Sheet	30.11.2018
Date of Framing of Charge	08.01.2021
Date of commencement of evidence	15.10.2022
Date on which judgment is reserved	15.10.2022
Date of Judgment	15.10.2022
Date of the Sentencing Order, if any	NIL

ACCUSED DETAILS :

Rank of the Accused	Name of the accused	Date of Arrest	Date of Release on Bail	Offences charged with	Whether acquitted or convicted	Sentenced Imposed	Period of Detention undergone during Trial for purpose of Sec. 428 Cr.P.C.
A-1	Sri Parthajit Nath	NIL	NIL	Sec-498(A) of IPC	Acquitted	NIL	NIL

IN THE COURT OF CHIEF JUDICIAL MAGISTRATE, SONITPUR::
TEZPUR

P. R. Case No-771 of 2019

State of Assam

-Vs-

Sri Parthajit Nath

.....Accused Person

Under section-498(A) of I.P.C

Present:

Sri Nabajit Bhatta AJS. MA, LL.B.
Chief Judicial Magistrate, Sonitpur at Tezpur

15th day of October, 2022

Mrs. Karabi Das, Asst. P.P Advocate for the State

Mr. K. Sharma, Ld. Counsel Advocate for the Accused

Date of Hearing : 15.10.2022

Date of Argument : 15.10.2022

Date of Judgment : 15.10.2022

J U D G M E N T

1. Prosecution story in brief is as follows that the informant Smt. Anindita Saikia @ Maina lodged an FIR before the O/C of Tezpur Police Station to the effect that she got married with the accused Sri Parthajit Nath on 04.02.2018 as per Hindu rites and rituals and thereafter, started leading their conjugal life as a husband and wife at her matrimonial house. It is also stated that on 06.02.2018 relating to their wedding reception party held at the house of accused and thereafter, his sister, namely, Sri Darshana Devi has created annoyance by using filthy languages and words and further thrown away the household utensil. It is also stated that at the time of marriage the accused was working as a Deputy Manager at Axis Bank. She further stated that the parents of the accused had

tortured her both mentally and physically and the father of the accused being retired teacher demanded dowry from her. It is also stated that the sister of accused insulted her in front of the accused saying that "long hair girl is a black sheep of a family" and further scolded her using abusive languages but the family members of accused never raised any objection against the act of their daughter i.e. sister of accused. It is stated that the accused has witnessed everything but on seeing the same the accused too demanded dowry money from her and told her to bring the same from her parental house for the purpose of job at Oil India. She further stated that the accused and his parents snatched away her bank passbook, ATM card, gold ornaments (jewelry) and the key of her godrej. However, she meted out all the tortures for the sake of her marriage and never informed the matter to her old ailing parents. It is also stated that the accused's father called her father over phone and demanded money from him. It is further stated that on 13.08.2018 she along with father appeared to the house of accused and the parents of accused sent him in a shop and thereafter, the parents of accused insulted her father and in presence of her father the parents of accused also insulted her. She also stated that in presence of her father, the sister of accused, namely, Darshana Devi physically assaulted her by way of giving fist blows and when her father restrained the act, her father-in-law Dhaneswar Nath chased them and threatened them of dire consequences of their lives. It is also stated that however the accused being her husband without saving them demanded money from them. Finding no option she took shelter at her parental house. She also stated that on 07.09.2018 at about 10:30 PM the accused went to her parental house and when he asked her ATM card she refused to give the same and thereafter, her husband gave slaps to her. When her father raised objection an altercation took place between the accused and her father. She also stated that on 23.09.2018 when she returned back to her articles gifted at the time of her marriage from her matrimonial house then the mother of accused objected to return the same and thereafter scolded her using filthy languages. She further stated that the

parents of accused threatened her if she lodged any case against them then they would killed her and family members. Hence, the case.

2. The instant case was registered under section-498(A)/34 of I.P.C. and the police investigated the same. After completion of the investigation police submitted the charge-sheet against the accused person, namely, Sri Parthajit Nath under section-498(A) of I.P.C.
3. That Ld. Judicial Magistrate First Class in office took cognizance of the offence against the accused person. On appearance of the accused person copies of relevant documents were furnished to the accused person and the charge under section-498(A) of I.P.C. was framed against the accused person by my Ld. Predecessor in office and the said charge was read over and explained to the accused person to which he pleaded not guilty and claimed to be tried.
4. Prosecution in order to prove the case has examined the informant in support of this case. Defence plea was total denial. Defence has adduced no evidence. Statement of the accused person has been recorded under section-313 of Cr. P.C.

5. **POINTS FOR DETERMINATION:-**

- (i.) Whether the accused person being the husband of informant namely, Smt. Anindita Saikia @ Maina on 06.02.2018 and 07.09.2018 and on several occasions had subjected her to cruelty both mentally and physically and thereby committed an offence of cruelty upon her punishable U/S-498(A) of I.P.C.?

6. Heard argument from the Ld. Advocate of the accused person. On perusal of the evidence on record and case diary the very findings are as follows.

DISCUSSION, DECISION AND REASONS THEREOF

7. The prosecution opening the account of examining the witnesses first brought the informant, namely, Smt. Anindita Saikia as PW-1. The PW-1 has stated in her evidence-in-chief that the accused person of this case is her husband. She also stated that in the year 2017 she got married with the accused person and led conjugal life happily. She further stated in the year 2019 one day she had a

quarrel with the accused over some domestic issue. She stated that after that out of misunderstanding she lodged the ejahar against the accused person. She identified her ejahar as P. Ext-1 wherein she put her signature as P. Ext-1(1). She stated that at present she does not want to proceed further against the accused. In cross-examination, PW-1 has stated that she has no objection if the accused is released from this case.

8. I have minutely perused the evidence on record including the cross-examination of witness. From the above discussions, no sufficient incriminatory materials have been found against the accused person. Thus keeping view of what has been discussed above this court has no least hesitation that the prosecution has failed miserably to establish the guilt of the accused person U/S: 498(A) of I.P.C. Hence, the accused person, namely, Sri Parthajit Nath is not found guilty.

ORDER

Accused person, namely, Sri Parthajit Nath is acquitted from the Charge under section-498(A) of I.P.C. and set at liberty forthwith.

Bail-bond of the accused person is extended for six months in view of section-437A of Cr PC.

Judgment is prepared and pronounced in open court. Given under my hand & seal of this court on this 15th day of October, 2022 at Tezpur.

(Sri Nabajit Bhatta)
Chief Judicial Magistrate,
Sonitpur: Tezpur

Dictated and Corrected by me

Chief Judicial Magistrate,
Sonitpur: Tezpur

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LIST OF PROSECUTION/DEFENCE/COURT WITNESSES

A. Prosecution:

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
PW-1	Smt. Anindita Saikia	INFORMANT

B. Defence Witnesses, if any:

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
NIL	NIL	NIL

C. Court Witnesses, if any:

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
NIL	NIL	NIL

LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS**A. Prosecution:**

Sr. No.	Exhibit Number	Description
1	Ext-1/PW-1	Ejhar
2	Ext-1(1)	Signature of PW-1

B. Defence:

Sr. No.	Exhibit Number	Description
NIL	NIL	NIL

C. Court Exhibits:

Sr. No.	Exhibit Number	Description
NIL	NIL	NIL

D. Material Objects:

Sr. No.	Exhibit Number	Description
NIL	NIL	NIL

Chief Judicial Magistrate,
Sonitpur: Tezpur