

IN THE COURT OF JUDICIAL MAGISTRATE

FIRST CLASS,

GOHPUR, SONITPUR

PR. Case No.202/2020

Under Section 498 A of the Indian Penal Code

STATE OF ASSAM

.....**PROSECUTION**

-VERSUS-

Mr. JAYANTA BHARALI

S/O Mr. BHABEN BHARALI

RESIDENT OF:

VILL- KAMALAPATHAR

P.S.- GOHPUR

DIST.- BISWANATH

.....**ACCUSED PERSON**

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

ADVOCATE FOR THE PROSECUTION: Ms. SANTANA
BHUYAN, APP

ADVOCATE FOR THE ACCUSED PERSON: Mr. PRANJAL
BARUAH

CHARGE FRAMED ON: 19.01.2021
EVIDENCE RECORDED ON: 20.01.2021
ARGUMENTS HEARD ON: 20.01.2021
JUDGMENT DELIVERED ON: 20.01.2021

JUDGMENT

FACTUAL SCENARIO

1. The Prosecution's case can be surmised as: one Pinki Borah Bharali had lodged an F.I.R. dated 13.11.2019 before the officer-in-charge of Gohpur P.S., alleging inter alia she was subjected to several incidents of physical abuse and mental harassment by her husband for demands of dowry, who she alleges had also threatened to kill her on various occasions. It was lastly alleged that on 12.11.2019, he assaulted her and later drove her out of his house. Hence, this case.

INVESTIGATION BY POLICE

2. On receipt of the F.I.R., the Officer- in- charge of Gohpur P.S registered the same on 13.11.2019 as Gohpur P.S. Case No.481/19 under Sections 498 A read with Section 34 of the Indian Penal Code and conducted investigation into the matter. On conclusion of such investigation, the police submitted charge-sheet against the accused person, Mr. Jayanta Bharali under Section 498 A of the Indian Penal Code.

APPEARANCE OF THE ACCUSED AND TRIAL

3. After having taken cognizance, summons were issued by this Court to the accused person and in due course, he appeared in compliance thereof. Thereafter, copies of the relevant documents stipulated under section 207, Cr.P.C were furnished to him. Subsequently, formal charge under Section 498 A, IPC 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, to substantiate their case, the prosecution examined 1 (one) witness and exhibited 1 (one) document after which evidence for prosecution was closed. The statement of the accused as mandated by Section 313 of the Criminal Procedure Code was recorded in which the accused was generally questioned on the case. Defense declined to adduce any evidence in support of their case.

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.

Whether the accused person, on or about the 12th day of November, 2019 at Kamalpathar and also prior to such date, being the husband of the informant subjected her to acts of cruelty by

physically abusing and mentally harassing her demands of dowry and thereby committed an offence punishable under Section 498 A, IPC?

6. I have heard the learned counsels for both sides and have gone through the evidence on record. The defense denouncing all allegations has argued that the accused has been falsely implicated in this case. The evidence put forth by the prosecution has been outlined below.

EVIDENCE

7. P.W.1, Ms. Pinki Borah Bharali, the informant has deposed in her examination-in-chief that that she had lodged the F.I.R. which is Exhibit-1 and her signature over the same is Exhibit 1(1). She stated that she was married to the accused in year 2015 and they have a son, aged about 5 years. She deposed that around 2 years back, she had developed differences with her husband and as a consequence, some misunderstanding arose between them. In furtherance of such misunderstanding, she had filed the instant F.I.R. out of anger. She further deposed that they had resolved their differences thereafter and at present are leading a peaceful conjugal life with their minor son. She 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 further stating that the accused had not meted out such acts of cruelty that were originally alleged.

DISCUSSION, DECISION AND REASONS THEREOF

8. After a thorough deliberation upon the evidence of the witness and all other materials available on record, it transpires that there are no incriminating materials to constitute an offence which is punishable under Section 498A 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 offence. Situated thus, the accused person, Mr. Jayanta Bharali is hereby **acquitted** from this case and set at liberty forthwith.

9. 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.

10. The Case accordingly stands disposed of.

11. The judgment is pronounced in open court in presence of the accused, his counsel and the Ld. A.P.P.

and given under my hand and seal of this court on this 20th
day of January, 2022 at Gohpur.

Typed by me

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

SONITPUR DISTRICT JUDICIARY

APPENDIX

PROSECUTION EXHIBIT:

Exhibit 1: FIR dated 13.11.2019

DEFENCE EXHIBIT: NONE

PROSECUTION WITNESS:

P.W.1- Ms. Pinki Borah Bharali

DEFENCE WITNESS: NONE

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