

**IN THE COURT OF JUDICIAL MAGISTRATE FIRST CLASS AT SONITPUR,
TEZPUR**

PRESENT: DARSHANA NATH, MA, LL.M, JMFC, Tezpur, Sonitpur

PR 1366/18

U/S 498A/384 IPC

STATE

VS.

Tinku Nath

FOR PROSECUTION: Smti Niva Devi

FOR THE ACCUSED: Sri Anukul Kalita

EVIDENCE RECORDED ON : 11/01/2022

JUDGEMENT DELIVERED ON: 11/01/2022

JUDGMENT

1. The accused person Tinku Nath stood trial for offences punishable under Section 498A/384 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 Makoni Boro on 08/08/18 wherein he stated that the accused person used to torture her physically and mentally. He threatened to kill her. Finding no way out, one day when the informant left his house and went to her parental home.
3. The Ejahar was registered as Tezpur P.S Case no 1657/18 u/s 498A/384 IPC. The police after investigation submitted charge sheet against the accused person under section 498A/384 IPC.

Trial

4. Cognizance was taken of the Charge sheeted offences and processes were issued upon which the accused person appeared and copy of the relevant documents was furnished to them in compliance with section 207 of Code of Criminal Procedure (hereinafter referred as CrPC). Charges are framed and the contents of the offence are explained to the accused person to which he pleaded not guilty and claimed to be tried.
5. In this case, the prosecution has examined the informant as well as victim 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 u/s 313 CrPC dispensed with as the prosecution did not adduce any implicating evidence against him.
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

- a) **Whether the accused person committed cruelty to the informant and thereby committed offence u/s 498A IPC?**
- b) **Whether the accused person committed extortion to the informant and thereby committed offence u/s 384 IPC?**

PROSECUTION EVIDENCE

Evidence of the informant

7. PW1 is the informant. She stated that she lodged the ejahar about 3 years back against accused person due to some misunderstanding. Currently the matter has been settled amicably between both the sides and they are living together. Hence, she does not wish to continue with the case.

DISCUSSIONS, DECISIONS AND REASONS THEREOF

8. Upon a perusal of the evidence, it is clear that the informant as well as the victim in this case does not wish to proceed with the case, as the case was lodged due to misunderstanding but since then the matter has been resolved among the two parties amicably and has no issue if the accused person is acquitted of the charges brought against him.

9. As such the prosecution has failed prove that the accused person has committed the offences u/s 498A/384 IPC beyond reasonable doubt.

ORDER

10. In light of the above, it is held that the prosecution has failed to prove the case U/s 498A/384 IPC against the accused person Tinku Nath beyond all reasonable doubt. Hence, he is hereby **acquitted** and set at liberty forthwith.

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

Given in my hand and under the seal of this court on this the 11th day of January, 2022.

Typed by Me:

Smti. Darshana Nath

Judicial Magistrate First Class, Tezpur

APPENDIX

Prosecution Witness:

PW-1: Makani Boro

Defence Witness:

NIL

Prosecution Exhibits:

Ext-1: ejahar

Ext. 1(1): signature of PW1

Defence Exhibits: NIL

Judicial Magistrate First Class, Tezpur.

