

APPENDIX -12**IN THE COURT OF JUDICIAL MAGISTRATE FIRST CLASS****Present:** Smt. Darshana Nath, JMFC, SONITPUR, TEZPUR**[Date of the Judgment]**

16.12.2022

[GR Case No.1686 of 2017]

(Details of FIR/ Crime and Police Station)

COMPLAINANT :	State of Assam Or Munmi Neog Bhuyan W/o Nabajyoti Bhuyan R/o- Nagshankar, Puranitelia, P.S.- Sootea, Dist.- Biswanath (Assam)
REPRESENTED BY	Smti Niva Devi, Ld. A.P.P.
ACCUSED	Nabajyoti Bhuyan S/o- Gunadhar Bhuyan R/o- Nagshankar, Puranitelia, P.S.- Sootea, Dist.- Biswanath (Assam)
REPRESENTED BY	D. Sinha, R. Baruah and S. Ghosh, Ld. Counsels.

APPENDIX -13

Date of Offence	13-05-2017
Date of FIR.	15-05-2017
Date of Charge-sheet	30-05-2017
Date of Offence Explained	25-04-2018
Date of commencement of evidence	19-01-2019
Date on which judgment is reserved	-
Date of the Judgment	16-12-2022
Date of the Sentencing Order, if any	-

ACCUSED DETAILS:

Rank of the Accused	Name of Accused	Date of Arrest	Date of Release on Bail	Offence charged with	Whether Acquitted or convicted	Sentence Imposed	Period of Detention undergone during Trial for purpose of Section 438, Cr.P.C.
A1	Nabajyoti Bhuyan	Nil	Nil	U/S 498(A) of IPC	Acquitted	Nil	Nil

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

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

GR 1686/17

U/S 498A IPC

STATE

VS.

Nabajyoti Bhuyan

FOR PROSECUTION: Smti Niva Devi

FOR THE ACCUSED: D. Sinha, R. Baruah and S.
Ghosh, Ld. Counsels.

EVIDENCE RECORDED ON: 19-01-19, 24-06-19 and 07-
04-22.

JUDGEMENT DELIVERED ON: 16-12-2022

JUDGMENT

1. The accused person A1 stood trial for offences punishable under Section 498A 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/PW1 on 15/05/17 wherein she stated that the accused person A1 used to torture

her physically and mentally. He used to doubt her with another man and tortured her mentally.

3. The Ejahar was registered as Sootea P.S Case no 53/17 u/s 498A IPC. The police after investigation submitted charge sheet against the accused person under section 498A IPC.

Trial

4. Cognizance was taken of the offences u/s 498A IPC and processes were issued upon which the accused person appeared and copy of the relevant documents was furnished to him 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 PW1, PW2 and PW3. Considering testimony of the informant and other witnesses, 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 is recorded where he denied all allegations made by PW1.
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?**

PROSECUTION EVIDENCE

Evidence of the informant

7. PW1 is the informant. She stated that she lodged the ejahar ON 15/05/2017 against accused person claiming mental and physical harassment on the part of the accused. The accused used to doubt her with other man and tortured her mentally. She was staying with the accused at rented house after marriage. But later, they shifted to parental house of PW1. But the behaviour of the accused did not change. On 08/02/2017, the accused verbally abused her by using slang languages in front of her parents.
8. In cross examination, PW1 stated that her mother-in-law filed a complaint in *Mohila Somiti* stating that she came out of her matrimonial house without any reason. She promised to live with her in-laws happily before *Mohila Somiti*.
9. PW2 and PW3 are the parents of PW1. They deposed in their evidence that PW1 filed the case due to misunderstanding and now they do not want to continue the case. In cross-examination, they stated that both PW1 and the accused filed divorce case in the court and no offence was committed by the accused as alleged by PW1.

DISCUSSIONS, DECISIONS AND REASONS THEREOF

10. It is seen that the prosecution does not wish to proceed with the case. PW2 and PW3 are parents of PW1 and they deposed that they have no objection on the accused person.
11. As such the prosecution has failed prove that the accused person has committed the offences u/s 498A IPC beyond reasonable doubt.

ORDER

12. In light of the above, it is held that the prosecution has failed to prove the case U/s 498A IPC against the accused person A1 beyond all reasonable doubt. Hence, he is hereby **acquitted** and set at liberty forthwith.

13. However, his bail bond 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 16th day of December, 2022.

Typed by Me:

Smti. Darshana Nath
Judicial Magistrate First Class,
Tezpur

APPENDIX -14**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)
PW1	Munmi Neog Bhuyan	Complainant
PW2	Bhaity Neog	Other witness
PW3	Rumi Neog	Other witness

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	Exhibit P1/PW1	FIR
2	Exhibit P1(1)/PW1	Signature of PW1

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

Smti. Darshana Nath
Judicial Magistrate First Class, Tezpur