

IN THE COURT OF JMFC-20,
SONITPUR, TEZPUR

Present: **Shri Vishek Bhuyan, AJS**

[Date of the Judgment]
01-09-2022

[GR Case No : 1869 of 2014]

(Details of FIR/ Crime and Police Station)

Complainant :	STATE OF ASSAM OR Boby Mridha
REPRESENTED BY	Learned A.P.P Sri Niranjan Saikia
ACCUSED PERSON	A1. Sri Mithu Mridha S/o- Sri Rabi Mridha Resident of Vill- Dhekiajuli P.S- Dhekiajuli, Sonitpur
REPRESENTED BY	Sri B. Katak, Smt. Marami Das.

FORM B

Date of Offence	26.07.2014
Date of FIR.	05.08.2014
Date of Charge-sheet	27.02.2015
Date of Charge frame	16.03.2019
Date of commencement of evidence	24.08.2022
Date on which judgment is reserved	NIL
Date of the Judgment	01.09.2022
Date of the Sentencing Order, if any	NIL

Accused Details

Rank of the Accused	Name of Accused	Date of Arrest	Date of Release on Bail	Offences charged with	Whether Acquitted or convicted	Sentence Imposed	Period of Detention undergone during Trial for purpose of Section 438, Cr.P.C.
	A1 Sri Mithu Mridha	NA	28.03.2019	498(A) IPC	Acquitted	NIL	

Form C**A. Prosecution**

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
PW 1	Boby Mridha	Other witness (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	Exhibit P 1	FIR
2	Exhibit P 1(1)	Signature of Informant

A. Defence:

Sr. No	Exhibit Number	Description
NIL	NIL	NIL

A. Court Exhibits

Sr. No	Exhibit Number	Description
NIL	NIL	NIL

A. Material Objects:

Sr. No	Material Object Number	Description
NIL	NIL	NIL

**IN THE COURT OF JUDICIAL MAGISTRATE FIRST
CLASS**

TEZPUR, ASSAM

G.R CASE NO: 1869 of 2014

U/Sec 498(A) of the Indian Penal Code

State of Assam

.....PROSECUTOR

-Vs-

Sri Mithu Mridha

S/o Rabi Mridha

Resident of Village- Dhekiajuli

P.S- Dhekiajuli, Dist- Sonitpur

.....ACCUSED PERSON

PRESENT: VISHEK BHUYAN, LL.M, AJS

JUDICIAL MAGISTRATE FIRST CLASS, TEZPUR

FOR PROSECUTION: LD. APP. Niranjan Saikia

FOR DEFENCE: Sri B. Katak, Smt. Marami Das

EVIDENCE RECORDED: 24.08.2022

ARGUMENTS HEARD ON: 24.08.2022

JUDGEMENT DELIVERED ON: 01.09.2022

JUDGMENT

1. The accused person namely Mithu Mridha stood trial for offences 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 Mrs Bobe Mirdha is that she got married to the accused as per rites and customs and soon after marriage she was subjected to physical and mental torture in demand for dowry. Hence this case.
3. The Ejahar was received and registered as Dhekiajuli P.S Case no. 474/2014 U/s 498(A)/34 of IPC. The police after investigation submitted charge sheet

against the accused persons under Section 498(A) of 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.P.C). The particulars of the offences were explained to the accused person and charges were framed, to which he 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 person u/s 313 Cr.P.C 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

- i. ***Whether the accused person being the husband of informant Mrs Bobby Mirdha subjected her to cruelty and thereby committed an offence punishable U/s 498(A) of IPC?***

PROSECUTION EVIDENCE

Evidence of the informant cum victim

7. **P.W 1 Smt. Boby Mridha** states that accused person is her husband. A misunderstanding took place between the informant and the accused person which has been settled between them subsequently. Due to misunderstanding the informant filed and Ejahar. **In the cross examination** she states that she does not wish to continue with the case. She has no objection if the accused person is acquitted from the case.

DISCUSSIONS, DECISIONS AND REASONS

THEREOF

8. Upon perusal of the evidence it is seen that the case the lodged in due to some misunderstanding but since then the matter has been settled among them amicably and the informant does not wish to proceed with the case. Further, the informant has no objection if the accused person is acquitted from this case.

9. As such the prosecution has failed to prove that the accused person has committed the offences under section 498(A) of 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 person namely Mithu Mridha beyond all reasonable doubt. Hence, he is hereby **acquitted** and set at liberty forthwith.

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

Given in my hand and under the seal of this court on this the 01st day of September, 2022.

Typed by Me:

Sri Vishek Bhuyan

Judicial Magistrate First Class, Tezpur

APPENDIX

Prosecution Witness:

PW-1: Smt. Boby Mridha

Defence Witness:

NIL

Prosecution Exhibits:

Exhibit/ P-1:Ejahaar

Exhibit/ P-1(1): Signature of the informant.

Defence Exhibits:

NIL

Sri Vishek Bhuyan

Judicial Magistrate First Class, Tezpur.