

IN THE COURT OF THE CHIEF JUDICIAL MAGISTRATE
TEZPUR. SONITPUR.

Present: Dr. M Baruah
C J M. Tezpur.

G. R. Case No. 2301/10
U/s 448/323/294/498 A IPC



State

Vs

Sri Nanda Kishor Paswan

.....Accused

Appearance:

Counsel for the State : Smti R Chakravorty, Sri N Das.

Counsel for the defense : Sri P Sharma and ors.

Charge framed on : 1/6/11.

Evidence recorded on : 10/12/12.

Argument heard on : 2/1/13.

Judgment delivered on : 17/1/13.

M.B.
17/1/13
Chief Judicial Magistrate
Sonitpur, Tezpur

JUDGMENT

The prosecution's case in brief is that the informant Smti Prova Devi lodged a complaint petition before the Court of Chief Judicial Magistrate, Sonitpur which was forwarded to the O/C Rangapara Ps for registering a case and investigate the matter. The fact alleged in the ejahar is that the informant's family during her marriage with the accused had given Rs.50,000/- in cash along with jewelery, utensils and other materials as dowry. They stayed together peacefully for about 1 ½ years. But at the instigation of the other members of the family the

accused used to come late at night after consuming liquor and abuse her. He also harass her and demands to bring Rs,20,000/- from her father. As her father died so she could not meet the demand. On 15/10/2010 the accused poured kerosene oil over her and tried to lit fire on her. At the intervention of the nearby people the informant was saved. On 17/11/10 the accused fled with another girl and so she had to return to her parent's house.

Upon receive of the ejahar, a case being Rangapara P S Case No. 240/10 u/s 448/323/294/498A IPC was registered and started investigation. After investigation, police filed charge sheet against the accused person u/s 448/323/294/498A IPC.

The accused appeared before the Court and faced trial. Copy of the prosecution documents were furnished to the accused. After hearing learned counsel for both sides, charge u/s 448/323/294/498A IPC has been framed and its particulars are read over and explained to the accused. The accused pleaded not guilty and claimed to be tried.

Prosecution adduced evidence of the informant cum victim and another witness. Considering her evidence and upon hearing the Ld. Addl. P P, it is found that further proceeding of the case would not help the prosecution. As such prosecution evidence was closed. Statement of the accused U/S 313 Cr. P.C was not recorded as the informant has not implicated the accused.

POINTS FOR DETERMINATION

Whether the accused being the husband of the informant had subjected her to cruelty with a view to coercing her to meet the unlawful demand for money and on her failure to meet such demand?

Whether the accused made criminal trespass and voluntarily caused hurt to the informant?



12/1/13
Chief Judicial Magistrate
Rangapara, West Bengal

Whether the accused had abused the informant in a public place using obscene words?

Heard argument of the learned counsel for the prosecution and the defense. Peruse the materials on record.

DECISION, DISCUSSION AND REASONS THEREOF

The PW-1 Smti Prova Devi stated that the accused fled away with an another girl. Therefore she filed this case. She is staying in the residence of her father. Ext-1 is the ejahar she had filed.

During cross examination she stated that she file a case against the accused for maintenance. That case has been compromised. The accused gave her Rs.50,000/- and returned all her furnitures. So she does not want to proceed with the case. She has no grievance against her husband.

PW-2 Sri Ajoy Kr. Singh stated that the informant is his sister. The informant and the accused married about six years ago. They have no issue. About two years ago they have a dispute and the informant left her husband. Now they have amicably settled their dispute.

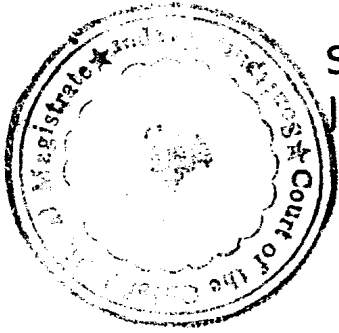
From the above materials I found that informant never stated that the accused demanded money from her. The informant stated that she filed the case because her husband had eloped whit an another girl. She also stated that the dispute arose due to misunderstanding. The other witnesses also stated the same fact. The informant never stated that the accused continuously harass her. Therefore I found no materials for the offenses alleged to have been committed by the accused. The prosecution has failed to prove the case against the accused.

ORDER

Considering the facts and circumstances of this case, I found that the prosecution has failed to prove the case against the accused u/s 448/323/294/498 A IPC. As a result the accused is acquitted and set at liberty. His bail bond stands cancelled.

The judgment is prepared and typed by me.

Set my hand and seal of this Court on this the 17th day of January, 2013.



MB
13/1/13
(Manash Baruah)
Chief Judge
Sonitpur, Tezpur