

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

03.12.2022

[PR Case No.1174 of 2020]

(Details of FIR/ Crime and Police Station)

COMPLAINANT :	State of Assam Or Niva Deka W/o Manoj Deka R/o- Barua Dalani, P.S.- Tezpur, Dist.- Sonitpur (Assam)
REPRESENTED BY	Smti Niva Devi, Ld. A.P.P.
ACCUSED	Manoj Deka S/o- Haren Deka R/o- Barua Dalani, P.S.- Tezpur, Dist.- Sonitpur (Assam)
REPRESENTED BY	Sanjay Das, Bidisha Borah, Jaharul Islam, Ld. Counsels.

APPENDIX -13

Date of Offence	19-10-2020
Date of FIR.	22-10-2020
Date of Charge-sheet	30-11-2020
Date of Offence Explained	03-09-2022
Date of commencement of evidence	21-11-2022
Date on which judgment is reserved	-
Date of the Judgment	03-12-2022
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	Manoj Deka	Nil	Nil	U/S 498(A) IPC	Acquitted	Nil	Nil

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

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

PR Case No. 1174/20

U/S 498A IPC

STATE

VS.

Manoj Deka

FOR PROSECUTION: Smti Niva Devi

FOR THE ACCUSED: Sanjay Das, Bidisha Borah, Jaharul
Islam, Ld. Counsels.

EVIDENCE RECORDED ON : 21-11-2022

HEARD ARGUMENTS ON : 21-11-2022

JUDGEMENT DELIVERED ON: 03-12-2022

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 22/10/20 wherein she stated that the accused person A1 used to torture her physically and mentally by asking dowry from her.
3. The Ejahar was registered as Tezpur P.S Case no 1999/20 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. 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?**

PROSECUTION EVIDENCE

Evidence of the informant

7. PW1 is the informant. She stated that she lodged the ejahar in 2020 against accused person claiming mental and physical harassment on the part of the accused out of anger. Now the dispute between the

parties is resolved amicably and hence, she does not continue the case.

8. The cross examination of PW1 is declined.

DISCUSSIONS, DECISIONS AND REASONS THEREOF

9. It is seen that the informant 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.

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

ORDER

11. 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.

12. 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 3rd 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	Niva Deka	Complainant.

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.	Exhibit Number	Description
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No		
Nil	Nil	Nil

D. Material Objects

Sr. No	Exhibit Number	Description
Nil	Nil	Nil

Smti. Darshana Nath
Judicial Magistrate First Class, Tezpur