

IN THE COURT OF JMFC-20,
SONITPUR, TEZPUR

Present: **Shri Vishek Bhuyan,**
AJS

[Date of the Judgment]
21-11-2022

[PR Case No : 1308/2018]
[G.R Case No. 1622/2018]

(Details of FIR/ Crime and Police Station)

Complainant :	STATE OF ASSAM OR Smt. Trishna Das
REPRESENTED BY	Learned A.P.P Sri Niranjan Saikia
ACCUSED PERSONS	A1. Sri Simanta Das S/o- Dineswar Das A2. Smti. Maini Das W/o- Dineswar Das Both are of vill- Teleria Bhakat Chuburi P.S- Tezpur, District- Sonitpur
REPRESENTED BY	Sri D. Bhuyan

FORM B

Date of Offence	27.04.2018
Date of FIR.	28.04.2018
Date of Charge-sheet	30.04.2018
Date of charge framed	18.07.2022
Date of commencement of evidence	01.09.2022
Date on which judgment is reserved	28.09.2022
Date of the Judgment	21-11-2022
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 Simanta Das	NA	05.03.2021	498(A)	Acquitted	NIL	
	A2. Smti. Maini Das	NA	05.03.2021	498(A)	Acquitted	NIL	

Form C**A. Prosecution**

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
PW1	Trishna Das	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

P.R CASE NO : 1308 OF 2018

G.R CASE NO: 1622 OF 2018

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

State of Assam

.....PROSECUTOR

-Vs-

A1. Sri Simanta Das

S/o- Dineswar Das

A2. Smti. Maini Das

W/o- Dineswar Das

Both are resident of vill- Teleria Bhakat Chuburi

P.S- Tezpur, Dist. - Sonitpur

.....ACCUSED PERSONS

PRESENT: VISHEK BHUYAN, LL.M, AJS
JUDICIAL MAGISTRATE FIRST CLASS, TEZPUR

FOR PROSECUTION: LD. APP. Sri Niranjan Saikia

FOR DEFENCE: Sri D. Bhuyan

EVIDENCE RECORDED: 01.09.2022

ARGUMENTS HEARD ON: 28.09.2022

JUDGEMENT DELIVERED ON: 21.11.2022

JUDGMENT

1. The accused persons Sri Simanta Das and Smti. Maini Das 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 Trishna Das is that the the accused persons had physically and mentally tortured the informant by using obscene language. Hence this case.
3. The Ejahar was received and registered as Tezpur P.S Case no. 853/2018 U/s 498(A) 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 persons 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). Accordingly, charge under the aforesaid section have been framed against the accused persons and the same have been explained to the accused persons, to which they 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 persons u/s 313 Cr.P.C dispensed with as the prosecution did not adduce any implicating evidence against them.
6. After hearing the learned Counsel of both sides and after perusal of the case record, I do hereby frame the following point of determination.

POINT FOR DETERMINATION

i) Whether the accused persons being the husband/relative of the informant Trishna Das on 27.04.2018 and on several other occasions subjected the informant to cruelty and thereby committed an offence punishable U/s 498(A) of IPC ?

PROSECUTION EVIDENCE
Evidence of the informant

7. **P.W 1 Trishna Das** states that she is the informant and she knows the accused persons who is her husband and mother in law. The incident took place in the year 2018. A misunderstanding took place between her and the accused persons. Out of an anger she lodged the ejahar. She has a daughter with accused Simanta Das out of wedlock and presently we are residing together. **In the cross examination** she states that she has no objection if the accused persons are acquitted from the case.

DISCUSSIONS, DECISIONS AND REASONS
THEREOF

8. Upon perusal of the evidence it is seen that the case was lodged in due to some misunderstanding but since then the matter has been settled between them amicably and the informant does not wish to proceed with the case. Further, the informant has no objection if the accused persons are acquitted from this case.
9. As such the prosecution has failed to prove that the accused persons have 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 persons Sri Simanta Das and Smti. Maini Das beyond all reasonable doubt. Hence, they are 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 21th day of November, 2022.

Typed by Me:

Sri Vishek Bhuyan

Judicial Magistrate First Class, Tezpur

APPENDIX

Prosecution Witness:

PW-1: Trishna Das

Defence Witness:

NIL

Prosecution Exhibits:

Ext- P1: Ejahar

Ext-P1(1) : Signature of the informant.

Defence Exhibits:

NIL

Sri Vishek Bhuyan

Judicial Magistrate First Class, Tezpur.