

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

21.10.2022

[ PR Case No. 356 of 2019]

(Details of FIR/ Crime and Police Station)

<b>COMPLAINANT :</b>	State of Assam Or Irashika Borah W/o- Khanindra Dutta R/o- Bam Parbotia, P.S.- Tezpur, Dist.- Sonitpur (Assam)
<b>REPRESENTED BY</b>	Smti Niva Devi, Ld. A.P.P.
<b>ACCUSED</b>	Khanindra Dutta S/o- Bhumidhar Dutta R/o- Near Old SBI,Rangapara , P.S.- Rangapara, Dist.- Sonitpur(Assam)
<b>REPRESENTED BY</b>	Janmoni Borah and Diganta Borah, Ld. Counsels.

**APPENDIX -13**

Date of Offence	-
Date of FIR.	08-06-2018
Date of Charge-sheet	26-10-2018
Date of Offence Explained	18-07-2019
Date of commencement of evidence	10-10-2022
Date on which judgment is reserved	-
Date of the Judgment	21-10-2022
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	Khanindra Dutta	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**

**P.R. Case No. 356/2019**

**U/S 498A IPC**

**STATE**

**VS.**

**Khanindra Dutta**

FOR PROSECUTION : Smti Niva Devi, Ld. APP.  
FOR THE ACCUSED : Janmoni Borah and Diganta  
Borah, Ld. Counsels.  
EVIDENCE RECORDED ON : 10-10-2022  
ARGUMENTS HEARD ON : 10-10-2022  
JUDGEMENT DELIVERED ON: 21-10-2022

**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 08/06/18 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 1207/18 u/s 420/498A/325 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 last year against accused person due to some

misunderstanding. Currently the matter has been settled amicably between them and they are living together. Hence, she does not wish to continue with the case.

**DISCUSSIONS, DECISIONS AND REASONS THEREOF**

8. Upon a perusal of the evidence, it is clear 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.
9. As such the prosecution has failed prove that the accused person has committed the offences u/s 498A IPC beyond reasonable doubt.

**ORDER**

10. 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.
11. 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 21<sup>st</sup> day of October, 2022.

Typed by Me:

Smti. Darshana Nath  
Judicial Magistrate First Class, Tezpur

**APPENDIX -14****LIST OF PROSECUTION / DEFENCE / COURT****WITNESSES****A. Prosecution:**

<b>RANK</b>	<b>NAME</b>	<b>NATURE OF EVIDENCE</b> (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
PW1	Irashika Borah	Informant (Victim)

**B. Defence Witnesses, if any:**

<b>RANK</b>	<b>NAME</b>	<b>NATURE OF EVIDENCE</b> (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
Nil	Nil	Nil

**C. Court Witnesses, if any:**

<b>RANK</b>	<b>NAME</b>	<b>NATURE OF EVIDENCE</b> (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
Nil	Nil	Nil

**LIST OF PROSECUTION/ DEFENCE/ COURT EXHIBITS****A. Prosecution:**

<b>Sr. No</b>	<b>Exhibit Number</b>	<b>Description</b>
1	Exhibit P1/PW1	FIR
2	Exhibit P1(1)/PW1	Signatures of PW1

**B. Defence Exhibits:**

<b>Sr. No</b>	<b>Exhibit Number</b>	<b>Description</b>
Nil	Nil	Nil

**C. Court Exhibits:**

<b>Sr. No</b>	<b>Exhibit Number</b>	<b>Description</b>
Nil	Nil	Nil

**D. Material Objects**

<b>Sr. No</b>	<b>Exhibit Number</b>	<b>Description</b>
Nil	Nil	Nil

Smti. Darshana Nath  
Judicial Magistrate First Class, Tezpur