

**APPENDIX-12**

<p><u>IN THE COURT OF CHIEF JUDICIAL MAGISTRATE, SONITPUR</u></p> <p><u>TEZPUR</u></p> <p>Present:- Sri Nabajit Bhatta. AJS. MA, LL.B. Chief Judicial Magistrate, Sonitpur, Tezpur</p> <p>[Date of the Judgment] <b>05.12.2022</b></p> <p><b>[PR Case No-1427 of 2021]</b></p> <p>(FIR NO-2229/2021 DATED-11.10.2021/CRUELTY AGAINST WOMAN CASE AND TEZPUR POLICE STATION)</p>	
COMPLAINANT :	<p>STATE OF ASSAM</p> <p>OR</p> <p>Smt. Niharika Bordoloi, W/O:- Sri Upankar Bordoloi, R/O:- Nepali Patty Bamun Gaon, P/S:- Tezpur, Dist:- Sonitpur, Assam</p>
REPRESENTED BY	Mr. Nalini Kanta Mishra, Ld. Addl. P.P
ACCUSED PERSONS	<p>1. Sri Upankar Bordoloi, S/O:- Dr. Gopal Ch. Bordoloi, R/O:- Hahita Rathi Path Dhonowa Nagar, P/S:- Tezpur, Dist:- Sonitpur, Assam</p> <p>2. Smt. Dipali Bordoloi, W/O:- Dr. Gopal Ch. Bordoloi, R/O:- Hahita Rathi Path Dhonowa Nagar, P/S:- Tezpur, Dist:- Sonitpur, Assam</p>
REPRESENTED BY	<p>Mr. J. P. Mishra, Ld. Counsel</p> <p>Mr. S.P. Mishra, Ld. Counsel</p>

**APPENDIX-13**

Date of Offence	On or after 26.07.2021
Date of FIR	11.10.2021
Date of Charge Sheet	31.10.2021
Date of Framing of Charge	30.08.2022
Date of commencement of evidence	05.12.2022
Date on which judgment is reserved	05.12.2022
Date of Judgment	05.12.2022
Date of the Sentencing Order, if any	NIL

**ACCUSED DETAILS :**

Rank of the Accused	Name of the accused	Date of Arrest	Date of Release on Bail	Offences charged with	Whether acquitted or convicted	Sentenced Imposed	Period of Detention undergone during Trial for purpose of Sec. 428 Cr.P.C.
A-1	Sri Upankar Bordoloi	NIL	NIL	Sec-498(A) of IPC	Acquitted	NIL	NIL
A-2	Smt. Dipali Bordoloi	NIL	NIL	Sec-498(A) of IPC	Acquitted	NIL	NIL

**IN THE COURT OF CHIEF JUDICIAL MAGISTRATE, SONITPUR::**  
**TEZPUR**

**P. R. Case No-1427 of 2021**

State of Assam

-Vs-

1. Sri Upankar Bordoloi
2. Smt. Dipali Bordoloi

.....Accused Persons

Under section-498(A) of I.P.C

*Present:*

*Sri Nabajit Bhatta AJS. MA, LL.B.*  
*Chief Judicial Magistrate, Sonitpur at Tezpur*

05<sup>th</sup> day of December, 2022

Mr. N. K. Mishra, Addl. P.P ..... Advocate for the State

Mr. J. P. Mishra, Ld. Counsel ..... Advocate for the Accused

Date of Hearing : 05.12.2022

Date of Argument : 05.12.2022

Date of Judgment : 05.12.2022

**J U D G M E N T**

1. Prosecution story in brief is as follows that informant, namely, Smt. Niharika Bordoloi lodged an FIR before the O/C of Tezpur Police Station through In-charge of Mahabhairab Police Outpost to the effect that on 26.07.2021, her husband, namely, Sri Upankar Bordoloi, her mother-in-law, namely, Smt. Dipali Bordoloi and her father-in-law namely, Sri Gopal Ch. Bordoloi have tortured her both mentally and physically and due to that she lodged an ejarah at Tezpur PS and accordingly, the same was registered vide FIR No-1521/2021 dated-26.07.2021. It is also stated that on 01.08.2021 her husband assured that he will not torture her in future and also promise to make their marital relationship in good condition. It is also stated that on 03.08.2021 her husband demanded

Rs.30,000/- from her and when she asked her husband as to why he needs the said money then her husband started abusing her using filthy languages and also pushed her away and due to that she sustained injuries on her chest and hand. When she raised hue and cry, the accused grabbed her mouth and told her to leave her matrimonial house and when she refused to leave the same the accused again used obscene words towards her and told her to put her signature on the divorce paper. It is also stated that on 04.08.2021 at about 04:30 AM her husband left his and maintained an illicit relationship with one Miss. Madhusmita Deka from Guwahati. It is stated that on 14.08.2021 her husband called her over phone and started abusing her using filthy languages and also told her that he would not continued the marital life. Hence, the prosecution case.

2. The instant case was registered under section-498(A) of I.P.C. and the police investigated the same. After completion of the investigation police submitted the charge-sheet against the accused persons, namely, Sri Upankar Bordoloi and Smt. Dipali Bordoloi under section-498(A) of I.P.C.
3. That my Ld. Predecessor in Office took cognizance of the offence against the accused persons. On appearance of the accused persons copies of relevant document was furnished to the accused persons and the charge under section-498(A) of I.P.C. was framed against the accused person and the said charge was read over and explained to the accused persons by my Ld. Predecessor in Office to which they pleaded not guilty and claimed to be tried.
4. Prosecution in order to prove the case has examined the informant-cum-victim in support of this case. Defence plea was total denial. Defence has adduced no evidence. Statements of accused persons have been recorded under section-313 of Cr. P.C.
5. **POINTS FOR DETERMINATION:-**
  - (i) Whether the accused persons being the husband and the mother-in-law of informant namely, Smt. Niharika Bordoloi on or before 03.08.2021 had subjected her to mental as well as physical torture by demanding dowry of Rs.30,000/- on various occasions after marriage and subsequently, the

accused persons mercilessly beaten her causing her injuries on her person and also on 04.08.2021 drove her out from her matrimonial house and thereby committed an offence of cruelty upon her punishable U/S-498(A) of I.P.C.?

6. Heard argument from the Ld. Advocate of the accused persons. On perusal of the evidence on record and case diary the very findings are as follows.

**DISCUSSION, DECISION AND REASONS THEREOF**

7. The prosecution opening the account of examining the witnesses first brought the informant, namely, Smt. Niharika Bordoloi as PW-1. The PW-1 has stated in her evidence-in-chief that she knows the accused persons and they are her husband and mother-in-law. She also stated that on 18.01.2019, she got married with the accused Upankar Bordoloi and led conjugal life happily for about 2 years. She further stated that during their conjugal life in the year 2021, she had a quarrel with the accused persons over some domestic issue and after that, she left the matrimonial house on 06.09.2021 and started to reside at her parental house. She also lodged a FIR against her husband and mother-in-law. She identified the ejahar as P. Ext-1 wherein she put her signature as P. Ext-1(1). She also stated that now she decided to live separately from her husband and they have decided to file a mutual divorce petition before District Judge Court. She also stated that she does not want to proceed the case further against the accused persons. In cross-examination, PW-1 has stated that she has no objection if the accused persons are released from this case.
8. I have minutely perused the evidence on record including the cross-examination of witness. From the above discussions, no sufficient incriminatory materials have been found against the accused persons. Thus keeping view of what has been discussed above this court has no least hesitation that the prosecution has failed miserably to establish the guilt of the accused persons U/S: 498(A) of I.P.C. Hence, the accused persons, namely, Sri Upankar Bordoloi and Smt. Dipali Bordoloi are not found guilty.

**ORDER**

Accused persons, namely, Sri Upankar Bordoloi and Smt. Dipali Bordoloi are acquitted from the Charge under section-498(A) of I.P.C. and set at liberty forthwith.

Bail-bonds of the accused persons are extended for six months in view of section-437A of Cr PC.

Judgment is prepared and pronounced in open court. Given under my hand & seal of this court on this 05<sup>th</sup> day of December, 2022 at Tezpur.

**(Sri Nabajit Bhatta)**  
**Chief Judicial Magistrate,**  
**Sonitpur: Tezpur**

Dictated and Corrected by me

Chief Judicial Magistrate,  
Sonitpur: 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)
PW-1	Smt. Niharika Bordoloi	INFORMANT

**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	Ext-1/PW-1	Ejhar
2	Ext-1(1)	Signature of PW-1

**B. Defence:**

<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

Chief Judicial Magistrate,  
Sonitpur: Tezpur