

**APPENDIX-12**

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

Present:- Sri Nabajit Bhatta. AJS. MA, LL.B.  
Chief Judicial Magistrate,  
Sonitpur, Tezpur

[Date of the Judgment]  
**06.06.2022**

**[PR Case No-203 of 2021]**

(FIR NO-06/2021 DATED-28.01.2021/CRUELTY CASE AND RANGAPARA POLICE  
STATION)

COMPLAINANT :	STATE OF ASSAM OR Smt. Neha Baruah, W/O:- Sri Uttam Baruah, R/O:- No-1 Namonigaon, P/S:- Rangapara Dist:- Sonitpur, Assam
REPRESENTED BY	Mr. Nalini Kanta Mishra, Ld. Addl. P.P Smt. Karabi Das, Asst. P.P.
ACCUSED PERSON	Sri Uttam Baruah S/O:- Late Basu Baruah R/O:- No-1 Namonigaon, P/S:- Rangapara Dist:- Sonitpur, Assam
REPRESENTED BY	Mr. Shankardev Nath, Ld. Counsel

**APPENDIX-13**

Date of Offence	25.01.2021
Date of FIR	27.01.2021
Date of Charge Sheet	31.01.2021
Date of Framing of Charge	31.05.2022
Date of commencement of evidence	06.06.2022
Date on which judgment is reserved	06.06.2022
Date of Judgment	06.06.2022
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 Uttam Baruah	NIL	NIL	Sec-498(A) of IPC	Acquitted	NIL	NIL

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

**P. R. Case No-203 of 2021**

State of Assam

-Vs-

1. Sri Uttam Baruah

.....Accused Person

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

*Present:*

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

06<sup>th</sup> day of June, 2022

Mrs. K. Das, Asst. P.P

..... Advocate for the State

Mr. S. Nath, Ld. Counsel

..... Advocate for the Accused

Date of Hearing : 06.06.2022

Date of Argument : 06.06.2022

Date of Judgment : 06.06.2022

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

1. Prosecution story in brief is as follows that on 27.01.2021 the informant Smt. Neha Baruah lodged an FIR before the O/C of Rangapara Police Station to the effect that on 25.01.2021 at about 10 PM, accused Sri Uttam Baruah being her husband in an drunken state used filthy languages to her and also physically assaulted her causing injury to her. It is also stated that after marriage the accused person without any reason due to some small issues has assaulted her. Hence, the 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 person, namely, Sri Uttam Baruah under section-498(A) of I.P.C.

3. That this court took cognizance of the offence against the accused person. On appearance of the accused person copies of relevant documents were furnished to the accused person and the charge under section-498(A) of I.P.C. was framed against the accused and the said charge was read over and explained to the accused person to which he pleaded not guilty and claimed to be tried.
4. Prosecution in order to prove the case has examined the informant in support of this case. Defence plea was total denial. Defence has adduced no evidence. Statement of the accused person has been recorded under section-313 of Cr. P.C.

5. **POINTS FOR DETERMINATION:-**

- (i.) Whether the accused person being the husband of the informant, Smt. Neha Baruah on or before 25.01.2021 at about 10 PM had subjected her to mental as well as physical torture on various occasion after marriage and thereby committed an offence U/S-498(A) of I.P.C.?

6. Heard argument from the Ld. Advocate of the accused person. 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. Neha Baruah as PW-1. The PW-1 has stated in her evidence-in-chief that she knows the accused person and he is her husband. She also stated that in the year 2010 she got married with the accused and led conjugal life happily for about 10 years and one female child born out of during their wedlock. She further stated that in the year 2021, she had a quarrel with the accused over some domestic issue and out of misunderstanding she lodged the ejahar against the accused. She identified her ejahar as P. Ext-1 wherein she put her signature as P. Ext-1(1). She also stated that she does not want to proceed further against the accused as now they are enjoying happy married life. In cross-examination, PW-1 has stated that she has no objection if the accused is 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 person. 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 person U/S: 498(A) of I.P.C. Hence, the accused person, namely, Sri Uttam Baruah is not found guilty.

**ORDER**

Accused person, namely, Sri Uttam Baruah is 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 06<sup>th</sup> day of June, 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. Neha Baruah	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