

**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>08.09.2022</b></p> <p><b>[PR Case No-307 of 2018]</b></p> <p>(FIR NO-109/2018 DATED-17.01.2018/CRUELTY AGAINST WOMAN CASE AND TEZPUR POLICE STATION)</p>	
COMPLAINANT :	<p>STATE OF ASSAM</p> <p>OR</p> <p>Smt. Sunita Saho, W/O:- Sri Suren Saho, R/O:- Baithabhanga Ghoramari, P/S:- Tezpur, Dist:- Sonitpur, Assam</p>
REPRESENTED BY	<p>Mr. Nalini Kanta Mishra, Ld. Addl. P.P Smt. Karabi Das, Asst. P.P.</p>
ACCUSED PERSON	<p>Sri Suren Saho, S/O:- Sri Ahlat Saho R/O:- Baithabhanga Ghoramari, P/S:- Tezpur, Dist:- Sonitpur, Assam</p>
REPRESENTED BY	<p>Mr. Rose Bharali, Ld. Counsel</p>

**APPENDIX-13**

Date of Offence	10.01.2018 to 16.01.2018
Date of FIR	16.01.2018
Date of Charge Sheet	31.01.2018
Date of Framing of Charge	21.11.2019
Date of commencement of evidence	08.09.2022
Date on which judgment is reserved	08.09.2022
Date of Judgment	08.09.2022
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 Suren Saho	NIL	NIL	Sec-498(A) of IPC	Acquitted	NIL	NIL

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

**P. R. Case No-307 of 2018**

State of Assam  
-Vs-  
Sri Suren Saho

.....Accused Person

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

*Present:*

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

08<sup>th</sup> day of September, 2022

Mrs. K. Das, Asst. P.P ..... Advocate for the State  
Mr. R. Bhorali, Ld. Counsel ..... Advocate for the Accused

Date of Hearing : 08.09.2022

Date of Argument : 08.09.2022

Date of Judgment : 08.09.2022

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

1. Prosecution story in brief is as follows that on 16.01.2018 the informant Smt. Sunita Saho lodged an FIR before the O/C of Tezpur Police Station through In-charge of Salonibari Police Outpost to the effect that she got married with the accused on 06.11.2017 socially and thereafter, both were started leading their conjugal life as husband and wife. It is also stated that just after her marriage, the accused started harassing her both mentally and physically by demanding dowry. It is also stated that from 10.01.2018 to 16.01.2018 accused tortured her both mentally and physically and further at the time of bathing the accused assaulted her and after that drove her out from his house. 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 Suren Saho under section-498(A) of I.P.C.
3. That my Ld. Predecessor in office 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 as many as five numbers of witnesses 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 informant, Smt. Sunita Saho had subjected her to cruelty after marriage and harassed her where such harassment is with a view to coercing her to meet any unlawful demand for dowry or is on account of failure by her to meet such demand and thereby committed the offence of cruelty punishable u/s-498(A) of I.P.C.?
6. Heard argument from the Ld. Advocate of both the sides. 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 witness, namely, Sri Samin Sahu as PW-1. The PW-1 has stated in her evidence-in-chief that she knows the informant of this case and the accused person and he is her grandson. She stated that the complainant is the wife of accused. She also stated that the complainant

left the house of accused few years ago. She further stated that she does not know where she has been residing. The cross-examination of PW-1 was declined by defence side.

8. PW-2, Sri Lalu Sahu has stated in his evidence-in-chief that he knows the informant and the accused of this case is his nephew. He also stated that the complainant is the wife of accused and she left the house of accused few years ago after made an altercation with her husband. He further stated that he does not know where she has been residing. The cross-examination of PW-2 was declined by defence side.
9. I have minutely perused the evidences on record including the cross-examination of the witnesses. In this case, PW-1 and PW-2 are the independent witnesses. Further, in this case the prosecution side even after several attempts failed to bring the informant before his court. From the evidences of both PW-1 and PW-2 nothing incriminating materials found against the accused person. PW-1 and PW-2 in their evidences have stated that the complainant left her matrimonial house and they do not know where she has been residing. So, these witnesses did not affirm that the PW-1 was subjected to cruelty by her husband.
10. Thus, from the above evidence of both the PWs, it is seen that none of the PWs version corroborated with the contention of the ejahar lodged by the complainant. Hence, it is found that there are no facts which could prove that the woman was subjected to cruelty in such a manner as is likely to drive the woman to commit suicide or to cause grave injury or danger to life, limb or health (whether mental or physical) of the woman; or it could be found that there was harassment caused to the woman in respect of demanding dowry to her.
11. Although the informant has stated in her FIR that she was physically assaulted by her husband for demand of dowry but none of the

witnesses in their evidence have deposed that she was subjected to torture by her husband.

12. Hence, considering all above discussions it appears that the prosecution has not proved the case against the accused person beyond reasonable doubt. 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 U/S: 498(A) of I.P.C. Hence, the accused person, namely, Sri Suren Saho is not found guilty.

**ORDER**

Accused person, namely, Sri Suren Saho is acquitted from the Charge under section-498(A) of I.P.C. and set at liberty forthwith.

Bail-bond of the accused person is 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 8<sup>th</sup> day of September, 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	Samin Saho	OTHER WITNESS
PW-2	Sri Lalu Saho	OTHER WITNESS

**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

**B. 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>
NIL	NIL	NIL

**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

**B. Material Objects:**

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

Chief Judicial Magistrate,  
Sonitpur: Tezpur