

**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>16.09.2022</b></p> <p><b>[PR Case No-788 of 2020]</b></p> <p>(FIR NO-1163/2020 DATED-10.07.2020/CRUELTY AGAINST WOMAN CASE AND TEZPUR POLICE STATION)</p>	
COMPLAINANT :	STATE OF ASSAM OR Smt. Chumki Ghosh, W/O:- Sri Bappi Gope, R/O:- Chatai Chapori, P/S:- Tezpur, Dist:- Sonitpur, Assam
REPRESENTED BY	Mrs. Karabi Das, Ld. Asst. P.P
ACCUSED PERSON	Sri Bappi Gope, S/O:-Late Paresh Gope, R/O:- Lower Mahabhairab, P/S:- Tezpur, Dist:- Sonitpur, Assam
REPRESENTED BY	Mr. Bijay Kumar Basumatary, Ld. Counsel

**APPENDIX-13**

Date of Offence	29.06.2020
Date of FIR	10.07.2020
Date of Charge Sheet	08.08.2020
Date of Framing of Charge	27.06.2022
Date of commencement of evidence	16.09.2022
Date on which judgment is reserved	16.09.2022
Date of Judgment	16.09.2022
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 Bappi Gope	NIL	NIL	Sec-498(A) of IPC	Acquitted	NIL	NIL

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

**P. R. Case No-788 of 2020**

State of Assam

-Vs-

Sri Bappi Gope

.....Accused Person

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

*Present:*

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

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

Mrs. Karabi Das, Asst. P.P ..... Advocate for the State

Mr. B. K. Basumatary, Ld. Counsel ..... Advocate for the Accused

Date of Hearing : 16.09.2022

Date of Argument : 16.09.2022

Date of Judgment : 16.09.2022

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

1. Prosecution story in brief is as follows that the informant Smt. Chumki Ghosh lodged an FIR before the O/C of Tezpur Police Station to the effect that she got married with the accused namely, Sri Bappi Gope on 02.03.2020 as per Hindu rites and ritual and after few days of her, the accused started torturing her both mentally and physically. She also stated that when she raised objection the accused physically assaulted her and further abused her using filthy languages. She further stated that the accused also demanded Rs.1,00,000/- from her and told her to bring the same from her parental 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 Bappi Gope 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 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 informant namely, Smt. Chumki Ghosh had subjected her to mental as well as physical torture by demanding dowry of Rs.1,00,000/- on various occasions after marriage and subsequently, the accused mercilessly beaten her by way of giving fist blows on her face 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 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. Chumki Ghosh as PW-1. The PW-1 has stated in her evidence-in-chief that the accused person of this case is her husband. She also stated that in the year 2020 she got married with the accused person and led conjugal life happily. After few months she had a quarrel with the accused over some domestic issue. She stated that after that out of misunderstanding she lodged the ejahar against her husband. She also stated that after filing this case, they mutually divorced. She identified her ejahar as P. Ext-1 wherein she

put her signature as P. Ext-1(1). She stated that now she does not want to proceed the case against the accused. 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 Bappi Gope is not found guilty.

**ORDER**

Accused person, namely, Sri Bappi Gope 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 16<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	Smt. Chumki Ghosh	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