

**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>13.12.2022</b></p> <p><b>[PR Case No-958 of 2020]</b></p> <p>(FIR NO-1264/2020 DATED-25.07.2020/CRUELTY AGAINST WOMAN CASE AND TEZPUR POLICE STATION)</p>	
COMPLAINANT :	STATE OF ASSAM OR Smt. Kabita Baruah, W/O:- Sri Mukut Baruah, R/O:- Kumargaon, P/S:- Tezpur, Dist:- Sonitpur, Assam
REPRESENTED BY	Mr. Nalini Kanta Mishra, Ld. Addl. P.P
ACCUSED PERSON	Sri Sri Mukut Baruah, S/O:- Sachin Baruah R/O:- Kumargaon, P/S:- Tezpur, Dist:- Sonitpur, Assam
REPRESENTED BY	Mr. Chinmoy Baruah, Ld. Counsel

**APPENDIX-13**

Date of Offence	After Marriage
Date of FIR	24.07.2020
Date of Charge Sheet	31.07.2020
Date of Framing of Charge	08.09.2022
Date of commencement of evidence	13.12.2022
Date on which judgment is reserved	13.12.2022
Date of Judgment	13.12.2022
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 Mukut Baruah	NIL	NIL	Sec-498(A) of IPC	Acquitted	NIL	NIL

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

**P. R. Case No-958 of 2020**

State of Assam  
-Vs-  
Sri Mukut 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*

13<sup>th</sup> day of November, 2022

Mr. N. K. Mishra, Addl. P.P ..... Advocate for the State  
Mr. C. Baruah, Ld. Counsel ..... Advocate for the Accused

Date of Hearing : 13.12.2022  
Date of Argument : 13.12.2022  
Date of Judgment : 13.12.2022

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

1. Prosecution story in brief is as follows that informant, namely, Smt. Kabita baruah lodged an FIR before the O/C of Tezpur Police Station to the effect that her husband Sri Mukut Baruah tortured her both mentally and physically since last 4 years. It is stated that she has 11 years kid and she lives in Arunachal Pradesh as a teacher. 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 person, namely, Sri Mukut Baruah 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 copy of relevant document was furnished to the accused person 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 person to which he 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. 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 daughter, namely, Smt. Kabita Baruah had subjected her to cruelty both mentally and physically on various occasion after marriage 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 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. Kabita Baruah 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 2008, she got married with the accused and led conjugal life happily. She further stated that during their conjugal life one male child was born. She also stated that in the year 2020 one day she had a quarrel with the accused over some domestic issues and after that she lodged the ejahar against her husband. She identified the ejahar as P.Ext-1 wherein she put her signature as P.Ext-1(1). She also stated that at present she has been resided with the accused person happily and therefore, she has no grievance 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 Mukut Baruah is not found guilty.

**ORDER**

Accused person, namely, Sri Mukut Baruah 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 13<sup>th</sup> day of November, 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. Kabita 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	FIR
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