

IN THE COURT OF THE SUB-DIVISIONAL JUDICIAL MAGISTRATE (M),

AT GOHPUR, SONITPUR

G.R.No. – 212/2015

U/S : 417 I.P.C.

S T A T E

-Versus-

Sri Mitra Dev Neog..... accused person

**Present : Smt. Pooja Sinha, AJS,
Sub-Divisional Judicial Magistrate (M)
Gohpur**

Advocate appearing for the State : Smt. Barnali Chetia

Advocate appearing for the Accused : Sri Debojit Dutta

Dates of recording evidence : 20.06.2018

Date of hearing argument : 20.06.2018

Date of delivering Judgment : 20.06.2018

JUDGMENT

- 1. The case of the prosecution in brief is that,** in the year 2015 Smt. JunmaniHazarika, established physical relationship with Sri Mitra Dev Neog as he promised to marry her. But, subsequently he refused to marry her. That, she conceived as a result of the relationship. That, her husband expired 5 years back from the time of inducement by Sri Mitra Dev Neog. That, she called for a public meeting on the issue and on 18.08.2015 Sri Mitra Dev Neog went to the house of JunmaniHazarika and beat her up.
2. In this regard, the victim Smt. JunmaniHazarika filed an ejahar on 18.08.2015, the Officer-in-charge, Gohpur Police Station registered a case as Gohpur P.S. Case No. 182/15 under section 406/376/323/34 of I.P.C. The police conducted investigation and thereafter submitted charge-sheet

against the accused person Sri Pranjallahon for trial under section 493/420 I.P.C.

3. In due course, the accused person entered appearance. He was furnished with the copies as required under section 207 Cr.P.C. That, particulars of offence U/S417 of I.P.C was read over and explained to him, to which, he pleaded not guilty and claimed to be tried.
4. In support of the case, the prosecution examined only 3 (three) witnesses. Since the victim and other witnesses stated nothing incriminatory against the accused person, on the requests of the prosecution, further proceeding of the case has been closed. Defence declined to adduce evidence.

5. Point for determination I : *Whether the accused person in 2015 at Rajgharkukurjaan, Gohpur cheated Smt. JunmaniHazarika by deceiving her to establish physical relationship with him with false promise to marry her and thereby committed an offence punishable under Section 417 of I.P.C?*

6. Discussion, Decision and Reasons thereof :-

I have heard the learned Counsel appearing for the State. Also heard the learned Counsel appearing for the accused person. Upon hearing the learned Counsel for the parties and on perusal of the records, I am of the considered opinion to hold the following:-

7. From the evidence put forward by the prosecution it appears that the witness stated nothing incriminatory against the accused person for **P.W.1 Smt. JunmaniHazarika** in her evidence stated that she and accused had physical relationship amongst themselves , which was based on mutual consent and that now they have parted their ways and she has no grievance against him. She exhibited the ejahar as Ext. 1 and identified her signature thereon. Further, **P.W.2 DebeswarPhukan and**

P.W.3 Kaliram Saikia has deposed that both informant and accused had relationship amongst themselves, however they have parted their ways.

8. In the case in hand, from what has been discussed above, **it is clear that the prime witness who is the victim herself, stated nothing incriminatory against the accused person to the effect that *the accused person in 2015 at Rajgharkukurjaan, Gohpur cheated Smt. JunmaniHazarika by deceiving her to establish physical relationship with him with false promise to marry her and thereby committed an offence punishable under Section 417 of I.P.C.***
9. **In the result, the accused person Sri Mitra Dev Neog is hereby acquitted U/S 417 of I.P.C. and set at liberty forthwith.**
10. Bail bonds furnished are hereby extended for a period of 6 (six) months.
11. The case is disposed of on contest.

Given under my hand and seal of this court on this the 20th day of June , 2018 at Gohpur.

(Pooja Sinha)
Sub-Divisional Judicial Magistrate(M)
Gohpur

Typed and corrected by me

(Pooja Sinha)
Sub-Divisional Judicial Magistrate(M)
Gohpur

APPENDIX

Prosecution Witness-

P.W.1- Smt. JunmaniHazarika

P.W.2- Sri DebeswarPhukan

P.W.3- Sri KaliramSaikia

Defence Witness-

Nil

Prosecution Side Exhibits-

Ext.1- Ejahar

Defence Side Exhibits-

Nil

(Pooja Sinha)
Sub-Divisional Judicial Magistrate (M)
Gohpur