

IN THE COURT OF ADDITIONAL CHIEF JUDICIAL
MAGISTRATE, UDALGURI, ASSAM

P. R. Case No. 180 of 2020 U/s 498-A of the Indian Penal Code

State of Assam

-Vs-

Sri Bhupen Saikia

S/o- Late Bhola Saikia

R/o -Vill.-Hatibil

P.S.- Mazbat

Dist.- Udalguri, Assam **Accused.**

Present:- *Sri D. K. Kalita, A. J. S.*

Addl. Chief Judicial Magistrate, Udalguri, Assam

Appearance:

For the State : Mr. J. Daimari, Asst. P.P.

For the Defence : Mr. T. C. Boro, Adv.

Date of Evidence : 08.12.21

Date of Argument : 08.12.21

Date of Judgment : 08.12.21

J U D G M E N T

1. Prosecution case, in brief, is that on 29.09.2019, one Smt. Namita Baishya Saikia lodged an ejahar with the Officer-in-Charge, Mazbat P.S. alleging inter-alia that on that day, at about 01:15 P.M., her husband, mother-in-law and

sister-in-law entered into quarrel with her demanding her dowry and her husband gave her fist blows and kicked her causing injuries on her neck, hand and waist. Her husband and family members of her husband often entered into quarrel with her and harassed her both mentally and physically. Her husband used to intimidate her to leave her matrimonial home. She broke down mentally due to the harassment meted out to her by the family members of her matrimonial home.

2. On receipt the said ejahar, Mazbat P.S. Case No. 70/2019 under Section 498-A I.P.C. was registered and investigated into. On completion of the investigation, the Investigating Officer submitted charge-sheet under Section 498-A I.P.C. against the accused.

3. On appearance before the court, necessary copies were furnished to the accused and on hearing both the sides, charge under Section 498-A I.P.C. was framed and on being read over and explained the said charge, the accused pleaded not guilty and claimed to be tried.

4. In support of its case, prosecution side examined only the informant cum victim. Thereafter, prosecution evidence was closed on prayer of the prosecution. Accused has been dispensed with the examination under Section 313 Cr.P.C. since the same is found not necessary.

5. I have heard arguments of the learned counsels for both the sides at length, gone through the case record and perused the evidence carefully.

POINT FOR DETERMINATION IS:

6. *Whether the accused, being husband of the informant Smt. Namita Baishya Saikia, subjected her to cruelty since after her marriage with him and demanded dowry and lastly, on 29.09.2019, assaulted her by demanding dowry and thereby committed an offence punishable under Section 498-A I.P.C.?*

DISCUSSION, DECISION AND REASONS THEREON:

7. *P.W.-1, Smt. Namita Baishya Saikia, is the informant cum victim who has stated in her evidence that accused is her husband. She was married to the accused about three years ago. In the year 2019, some differences arose between them and she left her matrimonial home. She took shelter at her paternal home and lodged ejahar against her husband. Ejahar has been exhibited as Ext.1 and her signature thereon as Ext.1(1). In her cross-examination, she has stated that she has no grievance against the accused.*

8. It is revealed from the evidence of the informant cum victim (PW-1) that she was married to the accused about three years ago. In the year 2019, some differences arose between them and she left her matrimonial home. She took shelter at her paternal home and lodged ejahar

against her husband. She has not stated anything in her evidence about subjecting her to any kind of cruelty by the accused. She has even not supported the story stated in the ejahar. Having regard to lack of evidence, I am of the considered opinion that the prosecution has failed to bring home the charge against the accused and as such the accused deserves acquittal.

ORDER

9. In view of the conclusion made above, I hold the accused not guilty of the offence under 498-A I.P.C. and hence, he is acquitted of the said offence. Accused is set at liberty forthwith.

10. The bail-bond of the accused shall remain in force for a period of six months from the date of this order.

11. The judgment is delivered in the open Court in presence of the accused and his learned Counsel.

*Given under my hand and the seal of this court
on this 8th day of December, 2021.*

(D. K. Kalita)

Addl. C.J.M., Udalguri

Dictated and corrected by me,

(D. K. Kalita)

Addl. C.J.M., Udalguri

APPENDIX

1. Prosecution Witness:

P.W.1- Smt. Namita Baishya Saikia

2. Prosecution Exhibit:

Ext.1- Ejahar

3. Court Witness: Nil

4. Defence Witness: Nil

5. Defence Exhibit: Nil

(D. K. Kalita)

Addl. C.J.M., Udalguri