

**IN THE COURT OF JUDICIAL MAGISTRATE**  
**1<sup>st</sup> CLASS, UDALGURI, ASSAM**

**G.R. Case No.602/20 (PRC No. 878/20)**  
**u/s 498(A) of IPC**

**State of Assam**

**-Vs-**

**1. Sri Bapon Das**

**2. Smti. Gitamoni Das**

**..... Accused persons.**

*Present:- Smt. Priyanka Purkayastha, A. J. S.*  
*Judicial Magistrate 1<sup>st</sup> Class, Udalguri*

*Advocates appeared:*

For the State : Smti. Dipali Deka

For the Defence : Sri Monoj Deka

Dates of Evidence : 17.12.2021

Date of Argument : 20.12.2021

Date of Judgment : 20.12.2021

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

### **Initiation of Proceeding:**

1. This case was initiated on the filing of a written FIR on **13.06.2020** by the informant **Sri Ratan Barman** against the accused persons in this case.

### **Prosecution Story:**

2. The prosecution story in brief is that, **Smti. Maini Barman Das** (the victim), the daughter of the informant got married with the accused **Sri Bapon Das** about **10 years** ago and one male child was born out of their wedlock. After the birth of the child, the accused persons started to torture the victim physically and mentally and demanded dowry. The victim continued her conjugal life patiently but the accused persons assaulted her by demanding dowry and drove the victim out of her matrimonial house and also threatened to kill her.
3. On receipt of the aforesaid FIR, the Officer-in-Charge of Tangla Police Station registered a case vide Tangla PS case no. **92/2020**, u/s **498(A)** of **IPC** and entrusted **SI Upen Ch. Barman** to conduct the investigation of the case.

4. After completion of the investigation, the Investigating Officer submitted charge-sheet u/s **498(A) of IPC** against the accused persons.

**Procedure followed:**

5. On receipt of the charge-sheet, the cognizance of the said offences were taken u/s **190(1)(b) of Cr.PC.** After furnishing the copies of the relevant documents u/s **207 of Cr.PC** to the accused persons, a formal charge was framed u/s **498(A) of IPC** against the accused persons which was on being read over and explained to the accused persons, they pleaded not guilty and claimed to be tried. Hence, this trial.
6. In due course of trial, the prosecution examined two **(2)** nos. of witnesses. The statements of the accused persons u/s **313** of Cr.PC were dispensed with and the learned defence counsel declined to adduce any defence evidence. I have heard arguments from both the learned prosecution and the learned defence counsel.

**Points for determination:**

- I. Whether the accused persons, being the husband and relative of the victim, subjected***

***her to cruelty by assaulting her and thereby committed an offence punishable u/s 498(A) of IPC?***

**Decision and reasons for the decision thereon:**

7. Let me now evaluate the evidences adduced by the witnesses in the present case in light of law.
  
8. **PW1, Sri Ratan Barman**, the informant of this case, stated that he knew the accused persons. They are his son-in-law and his daughter's mother-in-law. His daughter (the victim) got married with the accused **Sri Bapan Das** and they have a son aged about **6/7 years**. **PW1's** daughter (the victim) and the accused **Sri Bapan Das** used to have disputes regarding their personal matters and on misunderstanding, **PW1** had filed this case against the accused persons. **PW1** identified the FIR as **Ext. 1 and Ext. 1(1) as his signature**.
  
9. During the cross-examination, **PW1** stated that the reason of the dispute in between his daughter and the accused **Sri Bapan Das** was of trivial nature as happens in a normal conjugal life. They have resolved the matter in between them and **PW1** has no grievance and no objection if the accused persons are acquitted from the case.

- 10.**            **PW2, Smti. Maini Das @ Maini Barman,** the victim of this case, stated that the informant is her father. She knew the accused persons. They are her husband and mother-in-law. **PW2** got married with the accused **Sri Bapan Das** about **7** years ago and she has a son. There occurred a hot altercation in between **PW2** and her husband (accused) regarding household issues and on being angry with her husband, **PW2** left her matrimonial house and went to her parental house. Later on, her father (**PW2**) filed this case against the accused persons.
  
- 11.**            During the cross-examination, **PW2** stated that they have resolved the matter in between them and she wants to stay with her husband. **PW2** further stated that she has no grievance and no objection if the accused persons are acquitted from the case.
  
- 12.**            On a plain reading of the evidences adduced by the witnesses, it appears that there occurred a hot altercation in between **PW2(victim)** and the accused **Bapon Das** (accused) and on being angry she left her matrimonial house and went to stay at her parental house. **PW1**, the informant, corroborated the statement made by **PW2** and the testimonies of the

witnesses reveal that the disputes were of trivial nature and **PW2** in her cross-examination stated that she wants to stay with her husband and she has no objection if the accused persons are acquitted from the case.

- 13.** Having so discussed above, the Court is of the opinion that none of the witnesses had implicated the accused persons for the alleged offence and no incriminating material is found against the accused persons to hold that the accused persons had committed any act as such to bring home the offence **u/s 498-A** IPC as alleged against them. Therefore, the point for determination is decided in negative.

### **ORDER**

- 14.** In view of the above reasons, it is found that the prosecution is unable to prove the case beyond all reasonable doubts. Hence, the accused persons **Sri Bapon Das and Smti. Gitamoni Das** are held not guilty under section **498(A) of IPC** and they are acquitted. The accused persons are set at liberty forthwith. The bail bonds shall stand extended for six **(6)** months as per Sec. **437-A** of Cr.PC.

- 15.** The judgment is delivered in the open Court in presence of the accused persons and the learned defence counsel and the learned prosecution.

*Given under my hand and the seal of this court on this **20<sup>th</sup> December, 2021.***

Dictated and corrected by me,

(P. Purkayastha)  
JMFC, Udalguri

(P. Purkayastha)  
JMFC, Udalguri

**APPENDIX**

A. Prosecution witnesses-

- (1) **PW1 Sri Ratan Barman (informant)**
- (2) **PW2 Smti. Maini Das @ Maini Barman (victim)**

B. Court witness- Nil.

C. Defence Witness- Nil.

D. Documents exhibited:

- (1) **Ext. 1- FIR**

(P. Purkayastha)  
JMFC, Udalguri