

APPENDIX

IN THE COURT OF CHIEF JUDICIAL MAGISTRATE, BAKSA, MUSHALPUR Present : Smti. Dimple Boro, CJM. Date of Judgment: 14-11-2022 Case No. : PRC-356/21 Salbari PS Case No. : 150/2019 U/s : 498(A) IPC, R/w Sec. 4 of DP Act	
Complainant	State of Assam
Represented by	Mr. Ranjit Basumatary , APP.
Accused	1. Satrajeet Das, S/o : Rajmohan Das, Vill: Gati Masalabari, PS : Salbari, Dist. : Baksa. (A-1)
Represented by	Adv. Utpal Barman
Date of Offence	10-09-2018
Date of FIR	23-12-2019
Date of Charge Sheet	30-11-2020
Date of Framing of Charge	09-05-2022
Date of commencement of evidence	28-07-2022
Date on which judgment is reserved	NA
Date of Judgment	14-11-2022
Date of the Sentencing Order, if any	NA

Accused Details:

Rank of the Accused	Name of Accused	Date of Arrest	Date of Release On Bail	Offences Charged with	Whether Acquitted or convicted	Sentence Imposed	Period of Detention Undergone during Trial for purpose of Sec. 428 Cr.PC.
A-1	Satrajeet Das	NA	30-04-2022	U/s 498(A)/ IPC, 4 DP Act.	Acquitted	NA	NA

APPENDIX

LIST OF PROSECUTION/DEFENCE/COURT WITNESSES

A. Prosecution:

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
PW1	Rima Das	Informant

B. Defence Witnesses, if any : NIL

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
-------------	-------------	---------------------------------------------------------------------------------------------------------------------------------

C. Court Witnesses, if any : NIL

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
-------------	-------------	---------------------------------------------------------------------------------------------------------------------------------

LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS

A. Prosecution:

Sr. No.	Exhibit Number	Description
1	Ext.P-1/PW1	FIR

B. Defence: NIL

Sr. No.	Exhibit Number	Description
----------------	-----------------------	--------------------

C. Court Exhibits:

Sr. No.	Exhibit Number	Description
----------------	-----------------------	--------------------

D. Material Objects:

Sr. No.	Exhibit Number	Description
----------------	-----------------------	--------------------

J D G M E N T

1. The case in brief is that on 16-12-2019 informant Rima Das filed a complaint in the Court of CJM, Baksa which was forwarded to OC, Salbari PS for registration of the case. The gist of the case is that on 10-09-2018 the accused called the complainant to meet him alone at roadside near Gati chowk which she refused. The accused told that if she does not meet him, he would kill himself leaving a suicide him that the complainant abetted him to commit suicide. Being afraid of, the complainant agreed to meet the accused. When the complainant met the accused, he asked her to go with him to a nearby tea stall as he had some important with her. When she boarded his bike, the accused took her to his house and said that he wants to marry her. The complainant said that she will not marry without consent of her parents'. The parents of the complainant rushed to the house of the accused and inquired the accused his parents' about her alleged abduction. Parents of the accused said that they want the complainant to be their daughter-in-law as the accused wants to marry her and they will not return their daughter. The complainant's parents agreed to marry her off to the accused on condition that social marriage must be arranged immediately. The complainant's marriage was fixed with the accused in

November, 2018 though the date had to be fixed yet. Right after the leaving of the house of the accused by the complainant's parents, the accused started asking for sexual favour from the complainant. The complainant kept refusing but the accused kept insisting and he told that he will never marry her if she does not have sex with him. Finally, having no option, the complainant agreed to the accused in order to solemnize the marriage. The accused had sex with the complainant for long 10 days with a false promise of marriage. After having sex multiple times, when his lust was satisfied, the accused along with his parents now started making dowry demands of car and cash amount of Rs.10,00,000/- (Rupees ten lakh) only from the complainant's parents as a new condition to solemnize the marriage. The accused and his parents told the complainant and her parents that the marriage will not be solemnized until they fulfill the dowry demands. The complainant belonging to a poor family could not fulfill their dowry demands. Upon refusal to fulfill the dowry demand, the accused and his parents began torturing the complainant both physically and mentally and also assaulted her. After being raped by the accused and being tormented by his parents, the complainant was chased away by them and threatened to kill her if she does not comply. Shortly after the incident, the accused resumed his service with CISF and went out of station. The complainant called the accused

many times over phone and asked why did he ruin her life but the accused stopped attending her phone calls and cut off all kinds of communication with her and her family members. The complainant's parents also requested the parents of the accused many times to accept her as their daughter-in-law as they were the persons who proposed to marry the complainant as their daughter-in-law. But the parents of the accused did not pay any heed to the request of the parents of the complainant rather threatened to kill the complainant if she ever dares to show her face again. This incident shocked the conscience of the villagers and therefore a village meeting was arranged to inquire about the matter but that meeting was devoid of any fruitful outcome. The accused not only raped her with a false promise to marry her but also robbed her dignity as a woman. After being raped, the complainant's reputation has been defiled and now the society sees her as a woman of filth, unchaste and no male suitor would come to propose her for marriage.

2. Police registered a case against the accused person u/s 366/354/376/506/34 IPC and after completion of investigation submitted charge sheet against accused person u/s 498(A) IPC r/w S.4 of DP Act.
3. Charge u/s 498(A) IPC r/w S.4 of DP Act was framed against the accused person and contents of the charge under the said sections was read over and explained to the accused person to

which the accused person has pleaded not guilty and claimed to be tried.

4. The prosecution examined one PW. The defence has examined none.
5. The accused person is examined u/s 313 Cr.P.C. The accused person has declined to adduce evidence.
6. I have heard argument of the learned A.P.P. as well as the learned defence counsel and perused all the relevant documents available on record.

7. POINTS FOR DETERMINATION:-

1. Whether the accused person being the husband of the informant subjected her to cruelty?
2. Whether the accused person had demanded car and cash amount of Rs.10,00,000/- (Rupees ten lakh) only from the complainant's parents as dowry?

8. DISCUSSION, REASONS AND DECISION:

9. POINT NO. 1 & 2:

10. The prosecution has examined the informant as PW1 but she has not said anything against the accused person. Under such circumstance, the ingredients u/s 498(A) IPC r/w S.4 of DP Act are not established.
11. From the above discussions, I find that the evidence is not sufficient against the accused person. Hence, I find that it is not

proved that the accused person being the husband of the informant subjected her to cruelty **AND** the accused person had demanded car and cash amount of Rs.10,00,000/- (Rupees ten lakh) only from the complainant's parents as dowry. So, the accused person cannot be held guilty u/s 498(A) IPC r/w S.4 of DP Act.

12. From the above discussions, I am of the considered opinion that the prosecution has failed to prove the guilt of the accused person beyond reasonable doubt u/s 498(A) IPC r/w S.4 of DP Act. So, I acquit accused Satrajeet Das of the charge u/s 498(A) IPC r/w S.4 of DP Act and is set at liberty.

13. Given under my hand and seal of this Court this 14th day of November, 2022.

Typed by me—

D. Boro
CJM, Baksa

D. Boro
CJM, Baksa