

APPENDIX

IN THE COURT OF CHIEF JUDICIAL MAGISTRATE, BAKSA, MUSHALPUR Present: Smti. Dimple Boro, CJM. Date of Judgment: 31-10-2022 Case No. : PRC-258/21 Tamulpur PS Case No. : 544/19 U/s : 498(A) IPC	
Complainant	State of Assam
Represented by	Mr. Ranjit Basumatary , APP.
Accused	1. Debajit Barman, S/o : Sri Bilash Barman, Vill: Barkhopa, PS & Dist. : Tamulpur. (A-1)
Represented by	Adv. Nirmal Haloi
Date of Offence	08-11-2019
Date of FIR	09-11-2019
Date of Charge Sheet	29-02-2020
Date of Framing of Charge	10-06-2022
Date of commencement of evidence	15-07-2022
Date on which judgment is reserved	NA
Date of Judgment	31-10-2022
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	Debajit Barman	NA	28-03-2022	U/s 498(A) IPC	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	Sangita Baishya	Informant-cum-victim
PW2	Bhagirath Baishya	Police witness
PW3	Niru Baishya	Police witness

B. Defence Witnesses, if any : NIL

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
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C. Court Witnesses, if any : NIL

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
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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
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C. Court Exhibits:

Sr. No.	Exhibit Number	Description
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D. Material Objects:

Sr. No.	Exhibit Number	Description
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J U D G M E N T

1. The case in brief is that on 09-11-2019 informant Sangita Barman lodged an FIR before O/C, Tamulpur PS to the effect that she was married to accused Debajit Barman on 20-12-2018. She stayed at her parent's house for about one year after marriage. On 20-08-2019, her husband took her to the matrimonial house. After two months, the accused persons have been doing physical and mental torture on her for dowry. On 07-11-2019, at about 3 AM, the accused persons forcefully fed her medicine to abort her pregnancy. On 08-11-2019 she was driven out of the house.
2. Police registered a case against two accused persons u/s 498(A)/313/34 IPC and after completion of investigation submitted charge-sheet against accused Debajit Barman u/s 498(A) IPC.
3. Charge u/s 498(A) IPC was framed against the accused person and contents of the charge under the said section was read over and explained to the accused person to which the accused person pleaded not guilty and claimed to be tried.
4. The prosecution examined 3 (three) 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 husband of the informant had subjected her to cruelty?

8. DISCUSSIONS, REASONS AND DECISION:

9. POINT NO. 1:

10. The prosecution has examined the informant as PW1 and her both parents as PW2 and PW3. But they have said nothing against the accused person. The ingredients of S.498(A) IPC are not proved in this case.

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 husband of the informant had subjected her to cruelty. So, the accused person cannot be held guilty u/s 498(A) IPC.

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. So, I acquit accused Debajit Barman of the charge u/s 498(A) IPC and is set at liberty.

13. Given under my hand and seal of this Court this 31st day of October, 2022.

Typed by me—

D. Boro
CJM, Baksa

D. Boro
CJM, Baksa