

APPENDIX

IN THE COURT OF CHIEF JUDICIAL MAGISTRATE, BAKSA, MUSHALPUR Present: Smti. Dimple Boro, CJM. Date of Judgment: 31-10-2022 Case No. : PRC-354/19 Gobardhana PS Case No. : 75/11 U/s : 498(A) IPC	
Complainant	State of Assam
Represented by	Mr. Ranjit Basumatary , APP.
Accused	1. Manoj Saha, S/o : Lt. Moloy Saha, Vill: Jakhlibil Pathar Chilarai Nagar, PS: Gobardhana, Dist. : Tamulpur. (A-1)
Represented by	Adv. Chaminara Begum
Date of Offence	03-07-2011
Date of FIR	08-07-2011
Date of Charge Sheet	28-10-2011
Date of Framing of Charge	13-06-2016
Date of commencement of evidence	13-07-2016
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	Manoj Saha	NA	09-05-2016	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	Ramesh Dev Barman	Police Witness
PW2	Jagannath Paul	Police witness
PW3	Santosh Madak	Police witness
PW4	Harekrishna Kalita	IO

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/PW4	FIR
2	Ext.P-2/PW4	Charge sheet
3	Ext.P-3/PW4	Sketch map

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 08-07-2011 informant Rinki Saha lodged an FIR before O/C, Gobardhana PS to the effect that she was socially married to accused Manoj Saha about one month ago. After seven days of marriage, accused Manoj Saha sent her to her father's house after physical assault demanding dowry of Rs. 80,000/-. The informant called for a 'bichar' (trial) in the society. On 03-07-2011 at about 9 PM, accused Manoj Saha after consuming wine had started physical assault on her demanding dowry as earlier. Accused Manju Saha ordered accused Manoj Saha to kill the informant. She raised hue and cry out of fear and her life was saved due to coming of nearby people.
2. Police registered a case against two accused persons u/s 498(A)//34 IPC and after completion of investigation submitted charge-sheet against accused Manoj Saha 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 4 (four) PWs. 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 could not examine the informant. The prosecution has examined the IO and three other independent witnesses. The independent witnesses expressed ignorance about any incident. Hence, the ingredients of S.498(A) IPC is not proved in this case.
11. From the above discussions, I find that there is no evidence 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

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person beyond reasonable doubt u/s 498(A) IPC. So, I acquit accused Manoj Saha 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

Typed by me...

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