

APPENDIX**IN THE COURT OF CHIEF JUDICIAL MAGISTRATE,
BAKSA, MUSHALPUR**

Present : Smti. Dimple Boro, CJM.

Date of Judgment: 19-10-2022

Case No. : PRC-494/20

Simla PS Case No. : 64/18

U/s : 498(A)/34 IPC.

Complainant	State of Assam
Represented by	Mr. Ranjit Basumatary , APP.
Accused	<ol style="list-style-type: none"> 1. Gopesh Kalita, S/o: Sri Ramakanta Kalita, Vill: Natun Bhutepowabari, PS: Simla, Dist.: Baksa. (A-1) 2. Pranita Kalita @ Ranita Kalita, W/o: Sri Ramakanta Kalita, Vill: Natun Bhutepowabari, PS: Simla, Dist.: Baksa. (A-2) 3. Ramakanta Kalita, S/o: Lt. Ratikanta Kalita, Vill: Natun Bhutepowabari, PS: Simla, Dist.: Baksa. (A-3)
Represented by	Adv. Manoranjan Kalita
Date of Offence	27-11-2018
Date of FIR	29-11-2018
Date of Charge Sheet	31-12-2018
Date of Framing of Charge	22-07-2022
Date of commencement of evidence	08-08-2022
Date on which judgment is reserved	NA
Date of Judgment	19-10-2022
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	Gopesh Kalita	NA	06-07-2022	U/s-498(A)/34 IPC	Acquitted	NA	NA
A-2	Pranita Kalita @ Ranita Kalita	NA	06-07-2022	U/s-498(A)/34 IPC	Acquitted	NA	NA
A-3	Ramakanta Kalita	NA	06-07-2022	U/s-498(A)/34 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	Umesh Patgiri	Informant
PW2	Priti Kalita	Victim

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: NIL

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

D. Material Objects: NIL

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

J U D G M E N T

1. The gist of the case is that the daughter of the informant, Priti Patgiri married accused Gopesh Kalita by elopement in 2015 and both stayed at Sastar as well as in Guwahati. After few days of marriage, accused Gopesh Kalita started physical and mental torture on Priti Patgiri seeking furniture etc. For the same reason, both parents of accused Gopesh started beating Priti Patgiri. Being helpless, the informant gave some furniture according to his capacity in 2016. But thereafter, the accused persons had started beating Priti Patgiri alleging the same to be inferior quality. In last Durga puja, Priti Patgiri had to be admitted in GMCH for severe physical assault on her. The informant did not take recourse to law due to intervention of villagers. Suddenly, on 27-11-2018 at about 9.00 pm, Priti Patgiri telephoned the informant and stated that accused Gopesh and his family members had mentally tortured her for dowry and in case of failure to give Rs.2 lakh within morning, she would be killed. In the mid of the night, she again informed over phone that accused Gopesh had been severely physically assaulting her. Her mother-in-law had also beaten her on next morning. At around 11.00 am, the informant got information that his daughter was lying in the bathroom after taking poison.

The villagers rushed her to Pathsala Hospital wherefrom she was referred to GMCH. At present, Priti Patgiri is undergoing treatment in senseless condition.

2. On receiving the FIR, Simla PS Case No. 64/18, u/s 498(A) IPC, was registered against the accused persons and after completion of investigation charge-sheet was submitted against the accused persons U/s 498(A)/34 IPC.
3. Charge was framed against the accused persons U/s 498(A)/34 IPC and contents of the charge under the said sections was read over and explained to the accused persons to which the accused persons pleaded not guilty and claimed to be tried.
4. The prosecution examined 2 (two) witnesses and defence examined none.
5. The accused persons are examined u/s 313 Cr.P.C. The accused persons have 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 persons being the husband and parents-in-law of Priti Patgiri had subjected her to cruelty?

8. DISCUSSION, REASONS AND DECISION:

9. POINT NO. 1:

10. The prosecution has examined the informant as well as the alleged victim as PW1 & 2. But none of them has said anything against the accused persons. Under such circumstance, the ingredients of section 498(A)/34 IPC are not established.
11. From the above discussions, I find that it is not proved that the accused persons being the husband and parents-in-law of Priti Patgiri had subjected her to cruelty. So, the accused persons cannot be held guilty u/s 498(A)/34 IPC.
12. From the above discussions, I am of the considered opinion that the prosecution has failed to prove the guilt of the accused persons beyond reasonable doubt U/s 498(A)/34 IPC. So, I the acquit accused persons viz. Gopesh Kalita, Pranita Kalita @ Ranita and Ramakanta Klaita of the charge U/s 498(A)/34 IPC and are set at liberty.
13. Given under my hand and seal of this Court this 19th day of October, 2022.
Typed by me—

D. Boro
CJM, Baksa

D. Boro
CJM, Baksa