

APPENDIX

IN THE COURT OF CHIEF JUDICIAL MAGISTRATE, BAKSA, MUSHALPUR	
Present : Smti. Dimple Boro, CJM.	
Date of Judgment: 08-09-2022	
Case No. : PRC-650/19	
Tamulpur PS Case No. : 471/18	
U/s : 493/420/294/506/352 IPC	
Complainant	State of Assam
Represented by	Mr. Ranjit Basumatary , APP.
Accused	1. Balen Kalita, S/o: Lt. Maheswar Kalita, Vill: Gurmow, PS: Goreswar, Dist.: Tamulpur. (A-1)
Represented by	Adv. Gobinda Ch. Nath
Date of Offence	02-01-2018
Date of FIR	19-11-2018
Date of Charge Sheet	30-03-2019
Date of Framing of Charge	01-02-2020
Date of commencement of evidence	03-04-2020
Date on which judgment is reserved	NA
Date of Judgment	08-09-2022
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	Balen Kalita	NA	30-10-2019	352/294/ 420/493/ 506 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	Bhanita 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)
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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: NIL

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

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

1. On 14-11-2018 complainant Bhanita Das filed a complaint before the CJM, Baksa which was forwarded to Tamulpur PS to register and investigate the case.
2. The gist of the complaint is that on 02-01-2018 the accused came to the house of the complainant along with his relatives to see the complainant for marriage and gave marriage proposal. The accused said the parents of the complainant that he is satisfied with the complainant and would send his guardian for further discussion. On invitation, the guardian of the complainant went to the house of the accused and both parties agreed for the marriage between the complainant and the accused. The guardian of the complainant asked the accused to perform 'ring ceremony'. On 24-02-2018 the accused came to the house of the complainant along with some 50 people and provided a gold ring to the complainant and the social marriage date was fixed as 27-01-2019. The accused also put vermilion on head of the complainant. Thereafter the accused started visiting the complainant frequently and made relation of husband and wife. The accused had been avoiding the complainant and her family. The complainant has learnt that the

accused is not willing to marry her. In October, 2018 it was informed to the parents of the complainant that the accused will not marry the complainant because the complainant had illicit relation with other person. It was alleged that the complainant eloped with other person and stayed for 4/5 days and for this reason, the accused refused to marry the complainant. On 30-10-2018 the father of the complainant went to the house of the accused and requested not to break the marriage, but he was driven out of the house.

3. On receiving the FIR, Tamulpur PS Case No. 471/18, u/s 354/294/420/493/506/511 IPC, was registered against the accused and after completion of investigation, charge-sheet was submitted against the accused U/s 493/420/294/506/352 IPC.
4. Charge was framed against the accused person U/s 352/294/420/493/506 IPC and contents of the charge under the said sections were read over and explained to the accused person to which the accused person pleaded not guilty and claimed to be tried.
5. The prosecution examined 1 (one) witness and defence examined none.
6. The accused person is examined u/s 313 Cr.P.C. The accused person has declined to adduce evidence.

7. I have heard argument of the learned A.P.P. as well as the learned defence counsel and perused all the relevant documents available

8. POINTS FOR DETERMINATION:-

1. Whether the accused person had assaulted or used criminal force to the informant otherwise than on sudden and grave provocation?
2. Whether the accused person had uttered obscene words in the public to the annoyance of the informant?
3. Whether the accused person had cheated and thereby dishonestly induced the informant to deliver any property to him?
4. Whether the accused person had caused cohabitation with the informant deceitfully inducing a belief of lawful marriage?
5. Whether the accused person had criminally intimidated the informant?

9. DISCUSSION, REASONS AND DECISION:

10. **POINT NO. 1 to 5:**

11. The informant/PW1 said that the accused came to see her for marriage and liked her. One day, he put ring to her. After that, somebody told something against her to the accused at

which the accused refused to marry her. The accused was asked to marry her from her family but he did not agree. For which, she has filed the case. Ext.P-1/PW1 is FIR.

12. From the evidence of PW1/informant, we can see that she has said nothing against the accused person. Under such circumstance, the ingredients of section 493/420/294/506/352 IPC are not established.
13. From the above discussions, I find that it is not proved that the accused person had assaulted or used criminal force to the informant otherwise than on sudden and grave provocation **AND** the accused person had uttered obscene words in the public to the annoyance of the informant **AND** the accused person had cheated and thereby dishonestly induced the informant to deliver any property to him **AND** the accused person had caused cohabitation with the informant deceitfully inducing a belief of lawful marriage **AND** the accused person had criminally intimidated the informant. So, the accused person cannot be held guilty u/s 493/420/294/506/352 IPC.
14. 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 493/420/294/506/352 IPC. So, I acquit accused Balen Kalita of the charge U/s 493/420/294/506/352 IPC and is set at liberty.

Contd...

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15. Given under my hand and seal of this Court this 8th day of
September, 2022.

Typed by me—

D. Boro
CJM, Baksa

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CJM, Baksa