

APPENDIX

IN THE COURT OF CHIEF JUDICIAL MAGISTRATE, BAKSA, MUSHALPUR	
Present : Smti. Dimple Boro, CJM.	
Date of Judgment: 09-09-2022	
Case No. : PRC-734/21	
Tamulpur PS Case No. : 191/2021	
U/s : 498(A) IPC	
Complainant	State of Assam
Represented by	Mr. Ranjit Basumatary , APP.
Accused	1. Madan Biswas, S/o: Sri Rehati Biswas, Vill: No.2 Bogorikhuti, PS: Tamulpur, Dist.: Tamulpur. (A-1)
Represented by	Adv. Debahuti Kashyap
Date of Offence	09-05-2021
Date of FIR	11-05-2021
Date of Charge Sheet	31-05-2021
Date of Framing of Charge	21-06-2022
Date of commencement of evidence	27-07-2022
Date on which judgment is reserved	NA
Date of Judgment	09-09-2022
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	Madan Biswas	NA	18-05-2022	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	Mahamaya 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. The prosecution story in brief is that the informant Mahamaya Mas was socially married to the accused about five years ago. On 09-05-2021 the accused assaulted the informant as a result she became unconscious. Her parents were informed that she has become ill due to some ailment. On that night itself, she was taken to doctor. After recovery, she informed her parents about the incident. The accused had earlier assaulted her and tried to kill her. She is now unable to bear the torture. As such, she went away with her parents out of fear.
2. Nagrijuli OP GD Entry No. 171 dated 11-05-2021 was made in respect of the FIR. Tamulpur PS Case No. 191/2021, u/s 498(A)/506 IPC was registered and investigated into. After completion of investigation, charge-sheet was submitted against the accused u/s 498(A) IPC.
3. Charge was framed against the accused person U/s 498(A) IPC 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 1 (one) witness and defence 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 had being the husband of the informant had subjected her to cruelty?

8. DISCUSSION, REASONS AND DECISION:

9. POINT NO. 1:

10. The informant has not said anything against the accused person. Under such circumstance, the ingredients of section 498(A) IPC are not established.
11. From the above discussions, I find that it is not proved that the accused person had being the 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

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accused Madan Biswas of the charge U/s 498(A) IPC and is set at liberty.

13. Given under my hand and seal of this Court this 9th day of September, 2022.

Typed by me—

**D. Boro
CJM, Baksa**

**D. Boro
CJM, Baksa**

Typed by me...

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