

**APPENDIX**

<b>IN THE COURT OF CHIEF JUDICIAL MAGISTRATE, BAKSA, MUSHALPUR</b>	
Present : Smti. Dimple Boro, CJM.	
Date of Judgment: 07-09-2022	
<b>Case No. : PRC-847/21</b>	
Goreswar PS Case No. : 80/20	
<b>U/s : 498(A) IPC.</b>	
Complainant	State of Assam
Represented by	Mr. <b>Ranjit Basumatary</b> , APP.
Accused	1. Chittaranjan Debnath, S/o: Sri Narayan Debnath, Vill: Bakulguri, PS: Goreswar, Dist.: Tamulpur. <b>(A-1)</b>
Represented by	<b>Adv. Gobinda Ch. Nath</b>
Date of Offence	<b>Since 12 years from the date of FIR</b>
Date of FIR	<b>06-07-2020</b>
Date of Charge Sheet	<b>31-07-2020</b>
Date of Framing of Charge	<b>09-06-2022</b>
Date of commencement of evidence	<b>14-07-2022</b>
Date on which judgment is reserved	<b>NA</b>
Date of Judgment	<b>07-09-2022</b>
Date of the Sentencing Order, if any	<b>NA</b>

**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	Chittaranjan Debnath	<b>NA</b>	18-05-2022	498(A) IPC	Acquitted	NA	<b>NA</b>

**APPENDIX**

**LIST OF PROSECUTION/DEFENCE/COURT WITNESSES**

**A. Prosecution:**

<b>RANK</b>	<b>NAME</b>	<b>NATURE OF EVIDENCE</b> (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
<b>PW1</b>	<b>Dipti Debnath</b>	<b>Informant</b>

**B. Defence Witnesses, if any : NIL**

<b>RANK</b>	<b>NAME</b>	<b>NATURE OF EVIDENCE</b> (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
-------------	-------------	---

**C. Court Witnesses, if any : NIL**

<b>RANK</b>	<b>NAME</b>	<b>NATURE OF EVIDENCE</b> (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
-------------	-------------	---

**LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS**

**A. Prosecution:**

<b>Sr. No.</b>	<b>Exhibit Number</b>	<b>Description</b>
<b>1</b>	<b>Ext.P-1/PW1</b>	<b>FIR</b>

**B. Defence: NIL**

<b>Sr. No.</b>	<b>Exhibit Number</b>	<b>Description</b>
----------------	-----------------------	--------------------

**C. Court Exhibits: NIL**

<b>Sr. No.</b>	<b>Exhibit Number</b>	<b>Description</b>
----------------	-----------------------	--------------------

**D. Material Objects: NIL**

<b>Sr. No.</b>	<b>Exhibit Number</b>	<b>Description</b>
----------------	-----------------------	--------------------

**J U D G M E N T**

1. The gist of the case is that the informant was married to the accused 13 years ago. After about one year of marriage, the accused has been always inflicting physical and mental torture to the informant. The accused asked the informant to bring money from her parent's house and was beaten always for inability to bring money. On 05-07-2020, at night the informant was beaten up and was asked to go to her mother's house. On 06-07-2020, the accused has beaten the informant and came to cut her by dao used to cut goat. Her life was saved by the interference of the paternal uncle of the accused Sri Shyamal Debnath and neighbors. The accused has threatened to bury her after killing her.
2. On receiving the FIR, Goreswar PS Case No. 80/20, u/s 498(A) IPC, was registered against the accused and 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 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 is not established.
11. From the above discussions, I find that it is not proved that the accused person 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 accused Chittaranjan Debnath of the charge U/s 498(A) IPC and is set at liberty.

*Contd...*

**PRC No.- 847/21**

*Page No. 7 of 7*

13. Given under my hand and seal of this Court this 7<sup>th</sup> day of  
September, 2022.

Typed by me—

**D. Boro  
CJM, Baksa**

**D. Boro  
CJM, Baksa**

*Typed by me...*

*Contd...*