



**IN THE COURT OF THE CHIEF JUDICIAL MAGISTRATE**

**BAKSA: MUSHALPUR**

PRESENT: *A.M.Md. Mahiuddin. M.Sc.;LL.B.*  
*Chief Judicial Magistrate,*  
*Baksa, Mushalpur.*

**G.R.case no. 212/2018**

**u/s. 498(A) I.P.C.**

**State**

**Vs**

***Chakra Patowary***

**... Accused person.**

Date of framing of charge : 30-08-2017  
Date of recording evidence : 14-12-2018  
Date of hearing argument : 14-12-2018  
Date of delivery of the judgment : 14-12-2018

**APPEARANCE :**


*Sri. Dipmoni Boro.* (Addl.P.P.-For the State).

*Sri. A. C. Azad* (Advocate - For the Accused).

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

1. The prosecution of the accused **Chakra Patowary** started on lodging of a written FIR before the In-charge of Gandhibari Police Outpost on 27-12-2016 by informant/victim **Pranita Patowary** alleging that, she was married to accused Chakra Patowary for 18 years. After 2 years of marriage, the

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**Chief Judicial Magistrate**  
**Baksa, Mushalpur**



informant/victim gave birth to a girl. Soon after that accused started to inflict torture upon the victim and drove her out of the house. After some time the accused married some other woman and drove her out as well. The accused again took the victim back to his house where he again subjected her to torture demanding dowry.

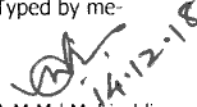
2. The ejahar was initially filed before the Gandhibari Police out Post where General Diary Entry No-409 dated 27-12-2016 was made and forwarded to O/c Tamulpur PS for registering a case. Accordingly, the case was registered as Tamulpur PS case No-340/16, u/s-498(A) IPC. After completion of investigation, the investigating officer submitted charge sheet No. 03/17 dated 31-01-2017 against accused **Chakra Patowary u/s 498(A) IPC.**
3. After receiving the case for disposal, learned predecessor in chair took cognizance against the accused, issued summons against him and after his appearance, he was released on bail. The accused was supplied with the copies of the case u/s 207, Cr.P.C here in this Court. As prima-facie material u/s 498(A) I.P.C. was found against the accused person, the charge was framed there under and the same was read over to him. On being asked, the accused person pleaded not guilty and claimed to stand trial. The plea of the accused was total denial.

**POINT FOR DETERMINATION**

***Whether the accused person, subjected informant/victim Pranita Patowary to cruelty for dowry, as alleged by her?***

4. During the trial, the prosecution has examined the informant/victim and on the basis of her evidence, the prosecution closed its further evidence.

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Considering the nature of evidence on record, the examination of the accused u/s-313, Cr.P.C. is dispensed with. The accused declined to adduce evidence. Accordingly, arguments from both sides are heard.


**DISCUSSION, DECISION AND THE REASONS THERE OF**

5. After going through the evidence on record of the informant /victim **Pranita Patowary** (P.W.-1), I find that, the case was lodged due to some misunderstanding. The victim specifically deposed that, the contentions in her FIR are actually not her contentions and that she filed the case at the instigation of others and that her husband never subjected her to cruelty for dowry or for any other reason.
6. Accordingly, I find that, there is no incriminating material against the accused **Chakra Patowary** for warranting a conviction against him. Accordingly, I conclude that, the prosecution has miserably failed to substantiate its case and as such, the accused **Chakra Patowary** is found not guilty and hence acquitted of the offence u/s 498(A), IPC.
7. The accused is set at liberty forthwith. The bail bond will remain in force for next 6(six) months or till furnishing of fresh surety by the accused person u/s 437(A), IPC, whichever is earlier.

*This judgment is pronounced in the open Court, which is given under my hand and seal of the Court, on this 14<sup>th</sup> day of December, 2018.*

  
**(A.M.Md. Mahiuddin.)**  
**Chief Judicial Magistrate,**  
**Baksa, Mushalpur.**  
Chief Judicial Magistrate  
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