

**IN THE COURT OF THE CHIEF JUDICIAL MAGISTRATE,
DIBRUGARH :: ASSAM.**

G.R. Case No. 3545/2019 (PRC 372/2020)

U/S 498(A) OF IPC

State of Assam

-Vs-

Sri Dipen Dehingia @ Akan..... Accused

PRESENT :A.K. BARUAH, LL.M. AJS.

Chief Judicial Magistrate,

Dibrugarh.

APPEARANCE :

Advocate for the Prosecution	:	Miss G. Phukan, Addl. P.P
Advocate for the Defence	:	Sri N. Gogoi, Advocate
Date of evidence	:	29.04.2021.
Date of argument	:	29.04.2021
Date of judgement	:	07.05.2021.

J U D G M E N T

- 1.** The case of the prosecution in brief is that after the marriage between the complainant Smti. Purabi Dehingia and the accused Sri Dipen Dehingia @ Akan, the accused husband tortured her both physically as well as mentally. The complainant Smti. Purabi Dehingia, had filed one FIR in the Borboruah Police Station, regarding the incident.

2. On the basis of the FIR lodged by the complainant, a case, being Borboruah P.S Case No. 216 of 2019, was registered under Section 498(A) IPC. Police conducted investigation into the case and filed charge sheet against the accused person namely Sri Dipen Dehingia @ Akan under section 498(A) IPC.
3. The accused appeared in this case. Copies were furnished to him under section 207 Cr PC. Considering the material on record and hearing both the sides, charge under section 498(A) IPC was framed against the accused person, to which, the accused pleaded not guilty and claimed to be tried.
4. During the trial of the case, the prosecution side examined 2 (two) P.Ws. in this case. The defence plea is of total denial. The defence did not adduce any evidence. Recording of statement of the accused U/s 313 Cr. PC was dispensed with.
5. I have heard the learned counsel for the accused and learned Addl. P.P for the State. Having heard both sides and after perusing the materials on record, the following point for determination is framed by this court for the just decision of the case :-
6. **POINT FOR DETERMINATION :-**

i. Whether the accused person being the husband of the complainant namely Smti. Purabi Dehingia, subjected her to "cruelty" which is of such a nature, as is likely to drive the informant to commit suicide or to cause grave injury/danger to life, limb and health of the informant?

DECISION AND REASONS FOR THE DECISION :-

7. PW1 (**Smti. Purabi Dehingia**) deposed in her evidence that she is the complainant of this case and accused is her husband. Due to some quarrel with her husband out of misunderstanding of facts, she (PW1) lodged this case. PW1 identified the FIR as exhibit 1 and her signature as exhibit 1(1). At present, she has no allegation against the accused person. She does not want to proceed with the matter. At present, she is staying with her husband happily under the same roof.

In her cross-examination, PW1 deposed that she has no objection if the accused person is acquitted from the case.

8. PW 2 (**Krishna Dehingia**) deposed in her evidence that the complainant is her sister-in-law. The accused person is her brother-in-law. She knows that the matter was amicably settled between the parties. She has no allegation against the accused person.

In her cross-examination PW 2 stated that she has no objection if the accused person is acquitted from the case.

- 9.** From the above discussion, I have found no material against the accused. P.Ws. have not implicated the accused. PW1 being the complainant cum victim did not implicate the accused by stating that due to some misunderstanding, she (PW1) lodged the case. Hence, from the evidence on record, I found no material against the accused. Hence, I hold the point for determination in the negative.
- 10.** In the result, I have not found the accused guilty in this case. Hence, I acquit him from the charge under section 498(A) IPC and set him at liberty forthwith. Considering the evidence of the complainant cum victim, the case is not referred for victim compensation.
- 11.** The bail bond will be in force for 6 (six) months from today.
Given under my hand and seal of this court on this 07th day of May, 2021.

(A K Baruah)
Chief Judicial Magistrate,
Dibrugarh.

Appendix

Prosecution Witness :-

PW1 :- Smti. Purabi Dehingia

PW2 :- Krishna Dehingia

Defence witness :-

None

Exhibits :-

Prosecution exhibits :-

Exhibit 1:- FIR.

Defence exhibits :-

None

Court witness :- None.

Court exhibits :- None.

CJM, Dibrugarh