

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

G.R. Case No. 1957/2021 (PRC 1049/2021)

U/s 498(A) IPC

State of Assam

-Vs-

Sri Sushanta Chakraborty

.....Accused.

PRESENT : Smti. Rani Boro
Chief Judicial Magistrate,
Dibrugarh.

APPEARANCE :

Advocate for the Prosecution : Smti. G. Phukan
Addl.P.P

Advocate for the Defence : S. Seal

Date of evidence : 30.11.2021

Date of argument : 15.12.2021

Date of judgement : 15.12.2021.

J U D G M E N T

1. The case of the prosecution in brief is that the informant was married to the accused at Baksipara Dibrugarh. After 8-9 months of her marriage her husband and her parents in law started subjecting her physical and mental cruelty on trivial issues. In 2016 the accused/ husband filed a divorce petition against her and started harassing her more often. For one month she was confined at her house and her husband/accused continued threatening her to

G.R Case No. 1957/2021

dispose her daughter and on that pretext took her signatures on blank papers for which since last 5 years to save themselves they are taking shelter at the house of her parents. The accused even with the help of known persons wrongly restrained her and her daughter on the road and tried to kidnap her daughter from her. For all these reasons the informant in this regard lodged one FIR before the All Women P.S, Panbazar, Kamrup (Metro).

2. On the basis of the FIR lodged by the informant, a case, being All Women P.S Case No. 115 of 2021, was registered under Section 498(A) IPC. SI Pallabi Saikia was entrusted with the investigation of this case who conducted investigation into the case and forwarded the case to the Police Station within the jurisdiction of Dibrugarh District. The case diary was submitted to ASI Bhaben Ch. Nath of Milannagar Police outpost who after completion of investigation filed charge-sheet against the accused **Sri Sushanta Chakraborty** under section 498(A) IPC.
3. Case record after charge sheet was kept in the file of this Court for disposal on 03.09.2021. Summons was issued to the accused. The accused appeared in this case. Copy was furnished to him under section 207 Cr PC. Considering the material on record and on hearing both sides, charge under section 498(A) IPC framed which read over and

explained to the accused to which he pleaded not guilty and claimed to be tried.

4. During the trial of the case, the prosecution side examined only 1(one) P.W in this case. Considering evidence of PW 1, further evidence was closed. Recording of statement of the accused under section 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 and evidence on record, the following point arises for determination in this case.

6. **POINTS FOR DETERMINATION :-**

- i. Whether the accused on 03.05.2021 at about 1.30 pm and prior to that after 8-9 months of marriage informant with unlawful demand of dowry or harassed her to meet their unlawful demand and thereby committed an offence punishable U/s 498(A) IPC?

DECISION AND REASONS FOR THE

DECISION :-

7. PW1 deposed in her evidence she is the informant/victim of this case and accused was her husband. On the date of the incident there was a trivial quarrel between them and out of heat of moment, she lodged this case against her husband.

They have amicably settled the matter and she does not want to proceed with the case.

During cross-examination she denied the fact that she does not have any objection, if the accused is acquitted in this case. She has accepted the suggestion that she has divorced from her husband and hence do not want to proceed with the case.

- 8.** From the above evidence it is found that no material against the accused U/s 498(A) IPC exist. The informant lodged this case due to some trivial quarrel and has no allegations against the accused at present as they are divorced now. They have compromised the matter amicably between themselves.

In view of above evidence of PW 1 it is found that there being no materials to prove offence U/s 498(A) IPC against accused **Sri Sushanta Chakraborty**, he is not found guilty and acquitted of offence U/s 498(A) IPC.

ORDER

In the light of the above discussions, the accused **Sri Sushanta Chakraborty** is acquitted of offence U/s 498(A) IPC and set at liberty forthwith as prosecution failed to prove its case beyond reasonable doubt.

The bail bond shall remain in force for 6 (six) months from today.

G.R Case No. 1957/2021

Judgment is prepared in separate sheets and tagged with the case record.

Given under my hand and seal of this court on this **15th Decemeber, 2021.**

(Smti Rani Boro)
Chief Judicial Magistrate,
Dibrugarh

Appendix

Prosecution Witness :-

PW1 :- Smti Sushmita Chakraborty

Defence witness :-

None

Exhibits :-

Prosecution exhibits :- None

Defence exhibits :-

None

Court witness :- None.

Court exhibits :- None.

CJM, Dibrugarh