

**IN THE COURT OF JUDICIAL MAGISTRATE FIRST
CLASS, DIBRUGARH**

G.R. Case No: 3280/2018

Under sections 498A of Indian Penal Code

State of Assam

v.

Sri Bijay Singh

.....accused person

PRESENT: DEEPSIKHA DAS, A.J.S

Appearing for the state: Learned Gopa Chakraborty

Appearing for Defence: Learned Sri Vijay Pandey

Evidence recorded on: 30/12/2021

Arguments heard on: 30/12/2021

Judgment delivered on: 30/12/2021.

JUDGMENT

Case of the prosecution

1. The case of the informant/victim Mrs Gayatri Singh as reflected in the ejahar in brief is that she was the wife of Bijay Singh. After the marriage, the accused person started torturing the informant both physically and mentally by suspecting her.

G.R. Case No: 3280/2018

She stated that on 3/8/2018, the accused person took all her belongings from the house and assaulted her. The accused broke his mobile phone and also threatened to abduct her daughter. Hence the case.

2. The ejarah was registered as Moran P.S. Case No. 250/2018 under sections 498A IPC. The police after investigation submitted charge sheet against the accused person Bijay Singh under section 498A, IPC.
3. This Court took cognizance under sec 190(b) CrPC and issued summons to the accused under sec 204 CrPC. On appearance of the accused, he was allowed to go on bail. copies of relevant documents were furnished to him as per section 207 CrPC. The charge u/s 498A IPC was framed and charge u/s 498A was explained and read over to him, to which he pleaded not guilty and claimed to be tried.
4. Trial commenced. The prosecution examined 1(one) witness i.e the informant. The statement of the accused person under section 313, CrPC was dispensed with as there was no incriminating material. I have heard both sides and perused the evidence on record.

Points for determination

5. I) Whether the accused on several occasions after marriage with Gayatri Singh subjected her to cruelty by way of physical torture and mental harassment on demand of dowry thereby committed an offence punishable under section 498A IPC?

Now let me discuss the materials on record and try to arrive at a definite finding as regards the points for determination.

DECISION AND REASONS THEREOF:

- 6.** To arrive at a judicious decision, the materials on record, including the evidence recorded is gone through carefully, in the light of submission heard and appreciated as follows—
- 7.** In his evidence, pw1 (**informant/victim**), stated that things had changed and she has been trying to adjust with the accused person and staying with the accused presently. She also submitted that they have compromised the matters between them. She also stated that in the changed circumstances, she wanted to deviate from what was stated by her earlier. She stated that now the things are normal and she did not want to proceed with the case. She does not have any objection if the accused is acquitted in the instant case.
- 8.** Situated thus, from the scrutiny of record in absence of any incriminatory material against the accused, it can be inferred that the accused did not commit any offence as alleged in the ejahar. Thus, in view of the above testimony of pw1 (informant/victim), I find no ground to hold the accused person guilty of the alleged offences.

ORDER

- 9.** Accordingly, the accused Bijay Singh is acquitted of the offences punishable under sections 498A of the Indian Penal Code and set at liberty forthwith.
- 10.** The bail bond furnished, shall remain in force till six months from today, as required under sec 437A CrPC.
- 11.** The case is disposed of on contest.
- 12.** Given under my hand and seal of this Court on this 30/12/2021.

Deepsikha Das
Judicial Magistrate First Class,
Dibrugarh

Appendix

Prosecution Witnesses:

PW-1: Gayatri Singh

Defence Witnesses: None.

Prosecution Exhibits:

Annexure 1: Ejahar

Defence Exhibits None.

Deepsikha Das
Judicial Magistrate First Class,
Dibrugarh