

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

PRESENT : SMTI DEEPSIKHA DAS, AJS
(Date of Judgment: 19/02/2022)

G.R. Case No : 1983/2021

(Under section 498A of Indian Penal Code. FIR No. 88/21
Dated 22/05/2021. P.S- Chabua)

COMPLAINANT/INFORMANT	SMTI. JEUTI NANDA
REPRESENTED BY	LEARNED A.P.P SMTI GOPA CHAKRABORTY.
ACCUSED	RAHUL NANDA S/o- Bisheswar Nanda, R/o- Kharjan Tea Estate, Old line. P.S- Chabua, District- Dibrugarh.
REPRESENTED BY	LEARNED ADVOCATE PALLABI BORGOHAIN.

Date of Offence	21/05/2021.
Date of FIR	22/05/2021.
Date of Charge sheet	31/05/2021.
Date of Framing of Charges	07/01/2022.
Date of commencement of evidence	19/02/2022.
Date on which judgment is reserved	N/A.
Date of Judgment	19/02/2022.
Date of the Sentencing Order, if any	N/A.

Accused Details:

Rank of the accused	Name of Accused	Date of Arrest	Date Release on Bail	Offences charged with	Whether Acquitted or convicted	Sentence imposed	Period of Detention Undergone during Trial for purpose of Sec.428 Cr.P.C.
1.	Sri Rahul Nanda	Not arrested	07/01/22	498 A	Acquitted	N/A	N/A

JUDGMENT

Case of the prosecution

1. The case of the informant/victim Mrs Jeuti Nanda as reflected in the ejahar in brief is that her husband Rahul Nanda regularly drinks and tortures the informant both physically and mentally. On 21/5/2021, at about 5 a.m, the accused assaulted the informant and in the evening at about 9 pm, he tortured and assaulted her. On the next date, that is 22/5/2021, the accused again tried to assault her but she fled away. She further stated that the other family members of the accused assist him when he assaults the informant. Hence the case.

2. The ejahar was registered as Chabua P.S. Case No. 88/2021 under sections 498A IPC. The police after investigation submitted charge sheet against the accused person Rahul Nanda 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, copies of relevant documents were furnished to him as per section 207 CrPC. The charges under section 498A IPC 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 that is the informant. The statement of the accused person under section 313, CrPC was recorded. He denied all allegations and declined to adduce evidence. I have heard both sides and perused the evidence on record.
5. Heard the arguments advanced by the Learned Counsel appearing for the informant and the accused.

Points for determination

6. i) Whether the accused on several occasions after marriage with Jeuti Nanda, 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?

7. 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:

8. 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—
9. During her **examination-in-chief, pw1 (informant/victim)**, stated that she is the wife of the accused. She was married with the accused in the year 2011. They have two children. She stated that she had some misunderstanding with her husband accused and she filed the instant case. She stayed for 10 days in her parental home. After that her husband took her back and since then they have been staying happily. She stated that then the things were normal and she did not want to proceed with the case. In his cross-examination she stated that she does not have any objection if the accused is acquitted in the instant case.
10. 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), I find no ground to hold the accused person guilty of the alleged offences.

ORDER

- 11.** Accordingly, the accused Rahul Nanda is acquitted of the offences punishable under section 498A of the Indian Penal Code and set at liberty forthwith.
- 12.** The bail bond furnished, shall remain in force till six months from today, as required under sec 437A CrPC.
- 13.** The case is disposed of on contest.
- 14.** Given under my hand and seal of this Court on this 19/2/2022.

Deepsikha Das
Judicial Magistrate First Class,
Dibrugarh

APPENDIX

LIST OF PROSECUTION/DEFENCE/COURT WITNESSES

A. PROSECUTION:

RANK	NAME	NATURE OF EVIDENCE
PW1	Smti Jeuti Nanda	Informant/ Complainant

B. DEFENCE WITNESSES, IF ANY: NIL.

LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS:

A. PROSECUTION:

Sr. No.	Exhibit Number	Description
1	Exhibit P-1/PW1	Ejhar

B. DEFENCE EXHIBITS: None.

Deepsikha Das
Judicial Magistrate First Class,
Dibrugarh