

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

PRESENT : SMTI. DEEPSIKHA DAS, AJS
(Date of Judgment: 04/04/2022)

G.R. Case No : 3277/2018

(Under section 498A of Indian Penal Code. FIR No. 64/2018
Dated 04/09/2018. P.S- Tengakhat)

COMPLAINANT/ INFORMANT	Smti Sunita Phukan
REPRESENTED BY	LEARNED A.P.P SMTI. GOPA CHAKRABORTY.
ACCUSED	Sri Niranjana Phukan s/o Sri Dipak Phukan P.S- Tengakhat, District- Dibrugarh.
REPRESENTED BY	LEARNED ADVOCATE Mr. Raju Sarmah

Date of Offence	28/08/2018.
Date of FIR	04/09/2018.
Date of Charge sheet	30/09/2018.
Date of Framing of Charges	02/09/2019.
Date of commencement of evidence	01/12/2021.
Date on which judgment is reserved	N/A.
Date of Judgment	04/04/2022.
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 Niranjan Phukan	Not arrested	20/05/19	498A IPC	Acquitted	N/A	N/A

JUDGMENT

Case of the prosecution

- 1.** The case of the informant/victim Mrs. Sunita Phukan as reflected in the ejahar in brief is that she was the wife of Sri Niranjan Phukan. After the marriage, the accused person started torturing the informant both physically and mentally. Hence the case.
- 2.** The ejahar was registered as Tingkhong P.S. Case No. 64/2018 under sections 498A IPC. The police after investigation submitted charge sheet against the accused person Niranjan Phukan 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 2(one) witnesses i.e the informant and her mother. 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 Niranjan Phukan, on several occasions after marriage with Sunita Phukan 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 her evidence, **pw-1 (informant/victim) namely Smti Sunita Phukan** stated that she has filed this case in the year 2018. After about 12 (twelve) years of marriage in 2018 there was some mis-understanding between them and as a result she filed this case. She stated that things had changed and in the changed circumstances, she did not want to proceed with the case. She does not have any

objection if the accused is acquitted in the instant case. She identified exhibit 1 as the ejahar and exhibit 1(1) as her signature on it. Her cross examination was declined.

Pw2 namely Sukhalata Burhagohain, the mother of informant stated that due to some mis-understanding between the accused and her daughter, her daughter filed this case. She stated that things had changed now and her daughter has been staying with her peacefully.

- 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 pw-1 (informant/victim) and pw2, I find no ground to hold the accused person guilty of the alleged offences.

ORDER

- 9.** Accordingly, the accused Niranjan Phukan 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
04/04/2022.

Deepsikha Das
Judicial Magistrate First Class,
Dibrugarh

APPENDIX

LIST OF PROSECUTION/DEFENCE/COURT WITNESSES

A. PROSECUTION:

RANK	NAME	NATURE OF EVIDENCE
PW1	Smti. Sunita Phukan	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	Ejahar

B. DEFENCE EXHIBITS: None.

Deepsikha Das
Judicial Magistrate First Class,
Dibrugarh