

G.R. Case No : 1135/2021
PRC Case No.: 735/2021

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

PRESENT : SMTI DEEPSIKHA DAS, AJS

(Date of Judgment: 04/04/2022)

GR case no. 1135/2021

(Under section 498A of Indian Penal Code. FIR No.63/21
Dated 18/03/2021. P.S- Dibrugarh)

COMPLAINANT/ INFORMANT	Smti Joyashri Chetia
REPRESENTED BY	LEARNED A.P.P SMTI GOPA CHAKRABORTY.
ACCUSED	Sri Jibon Medhi s/o Lt. Bitiram Medhi Notun Nagar, Chinaki Path P.S-Moran, District- Dibrugarh.
REPRESENTED BY	LEARNED ADVOCATE Mr. Ajit Kalita

Date of Offence	07/03/2021.
Date of FIR	18/03/2021.
Date of Charge sheet	31/03/2021.
Date of Framing of Charges	26/10/2021.
Date of commencement of evidence	08/12/2021.
Date on which judgment is reserved	N/A.
Date of Judgment	04/04/2022.
Date of the Sentencing Order, if any	N/A.

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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 Jibon Medhi	Not arrested	27/09/21	498A IPC	Acquitted	N/A	N/A

JUDGMENT

Case of the prosecution

1. The case of the informant/victim Mrs Jayashri Chetia as reflected in the ejahar in brief is that she was the wife of Jibon Medhi. After the marriage, the accused person started torturing the informant both physically and mentally. Hence the case.
2. The ejahar was registered as Moran P.S. Case No. 63/2021 under sections 498A IPC. The police after investigation submitted charge sheet against the accused person Jibon Medhi 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 and 506 IPC was framed and charge u/s 498A and 506 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 Sri Jibon Medhi on several occasions after marriage with Jayashri Chetia 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?

ii) Whether the accused person, had on various occasions criminally intimidated the informant and thereby committed offence punishable under section 506 of 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, pw-1 (**informant/victim**) namely **Smti Joyashree Chetia**, stated that she has filed this case in the year 2021. Her marriage took place in 2011 and after marriage she stayed in the house of her husband at Duliajan. She stated that she stayed in Moran for six

months as she was preparing for her Degree Final. After that she again returned to her matrimonial house. She stated that since the year 2013, her husband started to torture her. He used to come to the house in drunken condition. He used to conceal some facts from her.

In the year 2014, her girl child was born. Then the husband took loan by mortgaging her gold jewellery in ICICI Bank without her knowledge. They have to stay in different districts in Assam as the job of the accused demnded. In 2018, they were in Jorhat. Their child was given admission in Springdale school and she joined in that school as teacher.

In that year (2018) the accused hit her on her head with a mustard oil bottle. He used to quarrel with her in silly matters. After that she came to her parental house. She stayed for one year. She used to meet her child in the house. She stayed in Moran for her child's school. There also accused used to came. Accused remains well for some days, but again starts the same habits.

On 18/03/2021 the accused person called her sister and said that he will through acid on her (pw1's)face. She identified exhibit 1 as the ejahar and exhibit 19(1) as her signature.

In her cross examination, she stated that she is an M.A. in Assamese. She stated that she did not want the accused to go to jail. She denied the suggestions put to her by the defence counsel. She also stated that she has also filed a divorce case.

8. Learned counsel for the accused prayed for further cross examination of the PW-1.

During her further cross examination, pw-1 stated that she has given evidence in the instant case before also. She stated that now she got divorce from the accused. She does not have any objection if the accused is acquitted in the instant case. She stated that she does not want to proceed with the case.

9. 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

10. Accordingly, the accused Sri Jibon Medhi is acquitted of the offences punishable under sections 498A and 505 of the Indian Penal Code and set at liberty forthwith.

11. The bail bond furnished, shall remain in force till six months from today, as required under sec 437A CrPC.

12. The case is disposed of on contest.

13. 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 Joyashree Chetia	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	Ejahaar

B. DEFENCE EXHIBITS: None.

Deepsikha Das
Judicial Magistrate First Class,
Dibrugarh