

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

**PRESENT : SMTI. DEEPSIKHA DAS, AJS**  
(Date of Judgment: 06/04/2022)

**G.R. Case No. : 3682/2021**

(Under section 498A r/w sec. 34 of Indian Penal Code. FIR  
No.1826/21 Dated 20/09/2021. P.S.- Dibrugarh)

COMPLAINANT/ INFORMANT	Smti. Laxmi Devi
REPRESENTED BY	LEARNED A.P.P. SMTI. GOPA CHAKRABORTY.
ACCUSED	1. Sri Suraj Majhi s/o Ram Prakash Majhi 2. Smti. Rita Devi w/o Ram Prakash Majhi both are resident of chandmari ghat, Notunbasti Dist. Dibrugarh
REPRESENTED BY	LEARNED ADVOCATE Mr. Ajay Handique

Date of Offence	19/08/2021.
Date of FIR	20/09/2021.
Date of Charge sheet	31/10/2021.
Date of Framing of Charges	28/02/2022.
Date of commencement of evidence	06/04/2022.
Date on which judgment is reserved	N/A.
Date of Judgment	06/04/2022.
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 Suraj Majhi	Not arrested	28/02/22	498A r/w sec. 34 of IPC	Acquitted	N/A	N/A
2.	Smti Rita Devi						

**JUDGMENT**

**Case of the prosecution**

1. The case of the informant/victim Mrs. Laxmi Devi as reflected in the ejahar in brief is that she was the wife of accused Suraj Majhi and daughter-in-law of Rita Devi. After the marriage, the accused persons started torturing the informant both physically and mentally. Hence the case.
2. The ejahar was registered as Dibrugarh P.S. Case No. 1826/2021 under sections 498A r/w sec. 34 of the IPC. The police after investigation submitted charge sheet against the accused person Suraj Majhi and Rita Devi under sections 498A r/w sec. 34 of IPC.
3. This Court took cognizance under sec 190(b) CrPC and issued summons to the accused persons under sec 204 CrPC. On appearance of the accused, they were allowed to go on bail. Copies of relevant documents were furnished to them as per section 207 CrPC. The charges u/s 498A r/w sec. 34 of IPC was framed and charges u/s 498A r/w sec.

34 of IPC were explained and read over to them, to which they 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 in furtherance of common intentions, several occasions after marriage with Laxmi Devi subjected her to cruelty by way of physical torture and mental harassment on demand of dowry thereby committed an offence punishable under sections 498A r/w sec. 34 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, pw1 (**informant/victim**) namely **Smti. Laxmi Devi** stated that she has filed this case in the year 2021. Her marriage took place in 2019. In 2021 there was some mis-understanding between them and as a result she filed this case. She stated that things had

changed and she has been staying with the accused presently. She also stated that in the changed circumstances, she did not want to proceed with the case. She does not have any objection if the accused are acquitted in the instant case. She identified exhibit 1 as the ejahar and exhibit 1(1) as her signature on it.

Cross examination was declined by the learned defence counsel.

- 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), I find no ground to hold the accused persons guilty of the alleged offences.

**ORDER**

- 9.** Accordingly, the accused Suraj Majhi and Rita Devi are acquitted of the offences punishable under sections 498A r/w sec 34 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 compromise.
- 12.** Given under my hand and seal of this Court on this 06/04/2022.

Deepsikha Das  
Judicial Magistrate First Class,  
Dibrugarh

**APPENDIX**

**LIST OF PROSECUTION/DEFENCE/COURT WITNESSES**

**A. PROSECUTION:**

RANK	NAME	NATURE OF EVIDENCE
PW1	Smti Laxmi Devi	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