

**IN THE COURT OF THE CHIEF JUDICIAL MAGISTRATE,::::::BONGAIGAON**

**GR. NO- 1053/2016**

**U/S- 498 A IPC.**

STATE

-VS.-

Sri Prabhat Nath .....Accused

**Present:-**

Sri B. Sutradhar, A.J.S.

Chief Judicial Magistrate,

Bongaigaon

**Appeared:-**

For the State: Smt. R. Choudhury Ld. Addl. P.P.

For the accused: Mrs. T. Bhowmik Ld. Advocate.

Date of evidence: 5-4-17

Date of argument: 5-4-17

Date of judgment: 5-4-17 (at 3.30 P.M.)

**J U D G M E N T**

1. The brief case of the prosecution is that on 22-10-16 the informant Smt. Pratima Nath lodged an ejahar before the O/C Bongaigaon PS through I/C Bidyapur Outpost alleging that on 14-5-15 she got married to the accused and soon after the marriage, the accused person in conspiracy with others demanded dowry and started mental torture. Accused received Rs. 60,000/- from her father to purchase a land and after purchase of the land accused constructed house and kept her in that house. Accused again started torture and demanded Rs. 50,000/-. On 9-2-16 accused demanded money and tortured her. She informed the matter and her family members brought her to her parent's house. Accused contracted another marriage and she is residing in the house of her parents.

**Contd....P/2**

Hence the case.

2. On receipt of the ejahar O/C Bongaigaon P.S. registered a case vide No. 667/16 and the matter was duly investigated into.

3. On completion of the investigation I/O submitted charge-sheet against the accused person. In due course the accused person appeared before the court and he was allowed to go on bail. Copies were furnished and the charge u/s 498 A I.P.C was framed. The particulars of the charge was read over and explained to the accused person and to which he pleaded not guilty and claimed to be tried. During the course of evidence, the prosecution side examined three witnesses and declined to adduce any other evidence. Accordingly, the evidence was closed. The examination of the accused person U/S 313 Cr.P.C. was dispensed with as found not necessary. Heard the arguments of both sides.

**The point for determination is:**

4. Whether the accused person subjected the informant with cruelty by demanding money as alleged in the ejahar?

**Decision and reasons thereof:**

5. The prosecution side examined Smt. Protima Nath as P.W.1, Sri Manoranjan Nath as P.W.2 and Smt. Sabitri Nath as P.W.3.

6. The P.W.1 deposed that about 2 years back, she got married with the accused socially and she continued her conjugal life for 9 months. Accused person started quarrel and she went to her father's house.

In cross-examination she deposed that the matter has been amicably settled up between them. She is not interested to proceed with the case by adducing any further evidence and she has no objection if the accused person is acquitted.

7. The P.W.2 deposed that informant is his daughter who got married with the accused about 2 years back. After 8 months of the marriage, accused raised quarrel with his daughter regarding domestic matter and his daughter went to his house.

In cross-examination he deposed that the matter has been amicably settled up between them. He has no objection if the accused person is acquitted.

8. The P.W.3 deposed that her house is nearby the house of the accused. About 2 years back, the informant and the accused got married. She did not know anything about the case.

9. Now, on going through the above evidence on record, it appears that the vital witnesses of the case have not supported the case rather they stated that the matter has been amicably settled up between them. In view of above, I find no evidence to hold the accused person guilty for the offence as charged.

10. Accordingly, I am of the opinion that the prosecution side has failed to prove the case. In result the accused person is acquitted from the charge u/s 498 A I.P.C and set him at liberty. The bail bond shall remain in force till next six months.

11. The case is disposed of on contest.

Given under my hand and seal of this court on this **5<sup>th</sup> day of April, 2017.**

Chief Judicial Magistrate  
Bongaigaon.