

**IN THE COURT OF SUB-DIVISIONAL JUDICIAL MAGISTRATE(s),
BONGAIGAON**

GR 1266/16

U/S 498-A/341/323/34 I.P.C.

STATE OF ASSAM.....PROSECUTION SIDE.

-Versus-

SRI RAMCHARAN DAS & 3 OTHERS.....DEFENCE SIDE.

PRESENT: - SMTI JUMA SINHA, AJS

Sub-Divisional Judicial Magistrate (S),
Bongaigaon.

COUNSELS:

FOR the Prosecution: - SRI SOMIR KUMAR NATH, Ld. A.P.P.

FOR the Defence: - SRI SAIFUL ISLAM, Ld. Counsel.

EVIDENCE recorded on: - 19.03.18.

ARGUMENT heard on: - 19.03.18.

JUDGMENT delivered on: - 19.03.18.

J U D G M E N T

1. THE PROSECUTION STORY as unfolded by the ejahar filed by informant Smti Fulmoti Rabidas is that her daughter has been subjected to torture by her husband and others and driven out therefrom. When on 21.12.16 at 3 pm she along with her son and daughter went to the house of accused, accused persons assaulted them. Hence she filed this case.

2. On receipt of the FIR, Manikpur P.S Case No. 378/2016 U/S 498-A/341/323/323/34 I.P.C. was registered and investigated into. Subsequently, Charge sheet was filed u/s 498-A/341//323/34 IPC.

3. After receipt of charge sheet cognizance was taken against the accused persons under above-mentioned sections and then on appearance of the accused persons and after compliance with S.207 Cr.P.C and on hearing Ld. Counsels for both sides, Formal Charge u/s 498-A/341/323/34 I.P.C was framed which were read over and explained to the accused persons to which they pleaded not guilty and claimed to be tried.

4.

Points for Determination

Whether accused persons being the husband and in-laws of the Smti Chetia Das subjected her to cruelty by physically and mentally torturing her and thereby committed an offence u/s 498-A I.P.C?



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Sub-Divisional Judicial Magistrate (S) Bongaigaon

II. Whether accused persons on 21.12.16 at 3 pm at Beltoli under Manikpur P.S in furtherance of their common intention wrongfully restrained Smti Fulmoti Das, Sri Ajoy Das and Smti Chetia Das and thereby committed an offence u/s 341/34 I.P.C?

II. Whether accused persons on 21.12.16 at 3 pm at Beltoli under Manikpur P.S in furtherance of their common intention voluntarily caused hurt to Smti Fulmoti Das, Sri Ajoy Das and Smti Chetia Das and thereby committed an offence u/s 323/34 I.P.C?

5. To bring home the charge the Prosecution side examined three (3) witnesses and then statement of accused persons were dispensed with u/s 313 Cr.P.C finding no incriminating materials against them.


6. Heard Id. Counsels for both sides. Perused evidences on record. My decisions with reasons on the above framed points are as follows:-

DISCUSSION, DECISION AND REASONS THEREON

7. On perusal of evidence on record it is found that all PWs are alleged victims but they simply deposed that PW1 had dispute with accused persons out of domestic work whereby PW2 filed this case out of anger. Accordingly, nothing is found showing any assault or torture or restraint by the accused persons.

8. Accordingly, in view of above discussion I am constrained to hold that Prosecution has failed to prove charges u/s 498-A/341/323/34 IPC against the accused persons beyond reasonable doubt. Hence, the accused persons are acquitted of above charges and they be set at liberty forthwith and bail bonds furnished on their behalf shall remain in force for another 6 months.

Given under my hand and seal of this Court on this the 19th day of March, 2018.


(JUMA SINHA) Judicial
 Magistrate (Sadar)
 SDJM(S), Bongaigaon.



APPENDIX

Prosecution Witnesses:-

PW1:- Smti Chetia Rabidas

PW2:- Smti Fulmoti Rabidas

PW3:- Sri Ajoy Rabidas

Prosecution Exhibits:-

Nil

Defence Witnesses & Exhibits:-

Nil



(Smti Juma Sinha)
Sub-Divisional Judicial
Magistrate (Sadar)
Bongaigaon

APPENDIX

Prosecution Witnesses:-

PW1:- Smti Chetia Rabidas

PW2:- Smti Fulmoti Rabidas

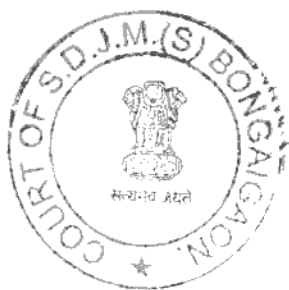
PW3:- Sri Ajoy Rabidas


Prosecution Exhibits:-

Nil

Defence Witnesses & Exhibits:-

Nil




(Smti Juma Sinha)
Sub-Divisional Judicial
SDJ(MS), Bongaigaon
Bongaigaon