

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

PRESENT: SYEDA FARIDA AFZAL ZINNAT

G.R CASE NO: 85/2014

**STATE OF ASSAM VERSUS DIPEN CHOUDHURY AND
OTHERS**

U/S 498 A IPC

FOR THE PROSECUTION: MR. R.C.MAHATO, ASST. P.P

FOR THE DEFENSE: MR. P. SHARMA, ADVOCATE

EVIDENCE RECORDED ON: 11/12/2014

ARGUMENTS HEARD ON: 11/12/2014

JUDGMENT DELIVERED ON: 11/12/2014

JUDGMENT

1. The facts and circumstances leading to this case as stated by the Prosecution in brief is that on 20/11/2013 Smt. Pratima Barman, w/o Sri Dipen Choudhury lodged a complaint petition in the Court of Chief Judicial Magistrate, Bongaigaon alleging that after about six months of her marriage to Dipen Choudhury her husband started to torture her physically and mentally in demand of dowry on the instigation of his mother and sister. On 14/11/2013 the

accused Dipen Choudhury told her to bring Rs. 50,000/- and when she denied, Dipen Choudhury, Kabita Choudhury and Rebati Choudhury assaulted her mercilessly. She managed to escape somehow with her daughter and took shelter at a neighbour's house and from there she informed her family members. The complaint petition was forwarded to the police station for registering and investigating a case. Upon investigation charge sheet was submitted against accused Dipen Choudhury, Rebati Choudhury and Kabita Choudhury under section 498 A IPC.

2. Cognizance had been taken under sections 498 A IPC against the accused person.
3. Upon appearance copies of the relevant documents were supplied to the accused persons in compliance with section 207 Cr.P.C.
4. After considering the relevant documents produced by the police I found prima facie material under sections 498 A IPC against the accused person. Accordingly particulars of the offences were explained to the accused person to which he pleaded not guilty and claimed to be tried.
5. Prosecution adduced the evidence of only one witness namely Pratima Barman. Examination of the accused persons under section 313 Cr.P.C was dispensed with.
6. After considering the relevant documents and after hearing the defence and the prosecution I find that following are the points to be determined in this case:
 - 1) Whether the accused persons being the husband and relatives of the informant subjected her to cruelty and thereby committed an offence punishable under section 498 AIPC?

7. DISCUSSION ON EVIDENCE, DECISION AND REASONS THEREOF:

8. PW1 is the informant. She stated on oath that she lodged the ejahar because of misunderstanding with her husband. That, her husband is willing to take her back now and she wants to lead her conjugal life with her husband.
9. Prosecution did not adduce evidence of any other witness to prove its case. It is clear from the evidence of the prosecution witness that whatever the reason of the quarrel was they have settled the matter between them and so the witnesses do not want to adduce any evidence in court against the accused persons.
10. There is no just and cogent evidence against the accused persons to hold him liable under the section they are charged with. Therefore in the absence of any evidence on record I am of the considered opinion that the Prosecution failed to establish the guilt of the accused persons beyond all reasonable doubt and therefore the accused persons should be acquitted of the offence charged with.

Order

The accused persons namely Dipen Choudhury, Rebati Choudhury and Rebati Choudhury are hereby acquitted of the offence U/S 498 A IPC and set at liberty forthwith. Bail Bond is extended to a period of six months. Given under the hand and seal of this court on this the 11th day December, 2014.

Syeda Farida Afzal Zinnat, AJS

J.M (1st CLASS) BONGAIGAON

