

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

**GR CASE No. 371/2013.**

U/S.24 of Maintenance and Welfare of  
Parents and Senior Citizen Act,2007.

**State of Assam**

**-Vs-**

**Sri Mahipal Ray.**

Present: **Smt. N. Talukdar, AJS**  
Chief Judicial Magistrate,  
**Bongaigaon.**

**Advocates appeared:**

For the Prosecution: **Mr. T. Bhowmik, Assistant PP.**

For the Defence: **Mrs. S. M. Basumatary.**

Argument heard on: **10.07.2014.**

Judgment pronounced & delivered on: **10.07.2014.**

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

1. The prosecution case in brief is that, on 13.05.2013 the informant Bonis Ch. Ray lodged an FIR before the O/C, Bongaigaon PS stating that he was subjected to torture by his elder son-accused Mahipal Ray. The accused demanded all the properties belonging to the informant. On the basis of FIR Bongaigaon Police Station Case No. 237/2013 U/S.24 of Maintenance and Welfare of Parents and Senior Citizen Act, 2007 was registered and investigation was set into motion. On completion of investigation, police submitted charge-sheet U/S.24 of Maintenance and Welfare of Parents and Senior Citizen Act, 2007 against the accused person. Hence, the instant case has come up.

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2. On completion of appearance of the accused person, copy was furnished to him and the particulars of the offence U/S.24 of Maintenance and Welfare of Parents and Senior Citizen Act,2007 were duly explained to the accused person to which he pleaded not guilty and claimed to be tried.

3. During trial, the prosecution has examined only 1(one) prosecution witness. The examination of the accused person U/S. 313 CrPC has been dispensed with as there is no incriminating evidence against the accused person. The defence has examined none.

4. : **POINTS FOR DETERMINATION** :

(a) **Whether the accused person tortured his father-complainant by way of demanding properties belonging to his father and restrained his father-complainant to sell properties for his treatment etc. and thereby committed an offence punishable U/S.24 of Maintenance and Welfare of Parents and Senior Citizen Act, 2007 ?**

: **DECISION AND REASONS THEREOF** :

5. The prosecution to prove the case has examined 1(one) witness. PW1 is the informant Sri Banish Ch. Ray. In his evidence PW1 has deposed that, about one year back with regard to domestic affairs, there was quarrel between him and the accused, and therefore, he lodged the FIR. Later on their misunderstanding was resolved.

In cross-examination, PW1 has deposed that accused has been living peacefully with him and he has no objection on acquittal of the accused.

6. I have carefully gone through the evidence on record and heard Ld. Counsels for both sides. It appears from the evidence on record that PW1, who is the informant and injured of the instant case,

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has not adduced any incriminating evidence against the accused Mahipal Ray. He has clearly revealed that due to misunderstanding he lodged the FIR and he has no objection on acquittal of the accused. He has been living peacefully with the accused person. Hence, from the evidence on record, I find no ingredients of offence U/S.24 of Maintenance and Welfare of Parents and Senior Citizen Act or any other offence against the accused. Hence, it appears that prosecution has failed to prove the case against the accused person.

7. In the result, I find that the prosecution has failed to prove its case against accused person miserably. Hence, the accused Sri Mahipal Ray is found not guilty U/S. 24 of Maintenance and Welfare of Parents and Senior Citizen Act, 2007 and hereby acquitted from the charges under said sections and set him at liberty forthwith. The bail bond of the accused stand cancelled and the bailor is discharged from the bail bond liabilities. Accordingly, the case is disposed of on contest.

8. The Judgment is given under my hand and seal of this Court on this **10<sup>th</sup> day of July, 2014.**

Sd/-  
(Smt. N. Talukdar)  
**Chief Judicial Magistrate**  
**BONGAIGAON.**

*Dictated and Corrected by me.....*

Sd/-  
**(Smt. N. Talukdar)**  
**Chief Judicial Magistrate**  
**BONGAIGAON.**

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