

**IN THE COURT OF JUDICIAL MAGISTRATE 1<sup>ST</sup> CLASS,  
LAKHIMPUR, NORTH LAKHIMPUR.**

**GR CASE NO.120/2014**  
**U/S 498A IPC**

**PRESENT:**

**SMT. SWEETY BHUYAN**  
Judicial Magistrate 1<sup>st</sup> Class  
Lakhimpur, North Lakhimpur.

**PARTIES:**

STATE OF ASSAM

Vs

SRI RAJU DAS

..... **Accused person**

**Appearance:**

For the State .....: MR. JANGKI DOLEY

For the accused person .....: MR. HOMEN DAS

Dates of Evidence .....: 29.05.2018, 22.11.2018,  
22.01.2019, 26.06.2019,  
07.02.2020

Date of Argument .....: 06.03.2020

Date of Judgment .....: 06.03.2020

**JUDGMENT**

1. The accused person, namely, **Sri Raju Das**, S/o Late Pithuram Das, R/o village- Kamalpur Das Gaon, P.S.- Laluk, in the District of Lakhimpur,

here in this case has been put to trial to answer the charges for the offence Punishable under section 498A of the Indian Penal Code.

- 2.** A complaint petition was filed by the complainant Chumpi Das against Raju Das, Promila Das and Rupa Das, on 17.12.2013 before the Court of the Hon'ble S.D.J.M.(M), Dhokuakhana, Lakhimpur, which was forwarded to the Ghilamara PS for investigation and thereafter, the O/C Ghilamara submitted a prayer before the learned S.D.J.M.(M) for transferring the case to the Laluk PS as the place of occurrence falls there and the prayer was allowed. Initially the case was registered as Ghilamara Police Station case No.103/2013 and being transferred, it was registered as Laluk Police Station Case No.15/2014 under Sections 323/498A/506 of the Indian Penal Code. The Investigating Officer submitted Charge Sheet against the accused Raju Das under Section 498A IPC.
- 3.** The complainant/informant stated in her complaint petition that the accused is her husband and she eloped with him as they have love affairs. After their marriage all the three accused persons mentioned in the complaint petition, demanded Rs.50,000/- and other properties from her as dowry and as she could not fulfill their demands, they tortured her mentally and physically. She informed the same to her mother on phone on 17.11.2013 and thereafter, her father went to the house of the accused to meet her, but they did not allow him to meet her and, as such, her father lodged a written ejahar in the Laluk Police Station and the police recovered her from the house of the accused and handed her over to her father. After returning to her parental house, the informant tried to contact the accused on phone but the accused Raju Das threatened to cut her and kill her and asked her not to return to his house. Hence, the case.

4. After perusing CR, formal charges u/s 498A of the Indian Penal Code was framed by my learned predecessor and read over and explained to the accused person to which he pleaded not guilty and claimed to be tried.
5. In support of the case, the prosecution has adduced 9(nine) PWs. The statement of the accused person u/s 313 CrPC is dispensed with due to lack of incriminating materials.
6. After perusing the case record and hearing both sides the following points of determination are framed:

**The Point for Determination:**

- (i) Whether the accused on or around two years ago married the informant Smt. Sumpi Das and during the subsistence of the marriage with the informant, the accused treated her with cruelty, and thereby committed an offence punishable under section 498A of the Indian Penal Code?

**Decisions and Reasons for decision:**

7. I have heard the argument from both sides.
8. The informant lodged the case alleging that the accused tortured her mentally and physically by demanding dowry. But in her evidence as PW1, she deposed that after marriage there were some quarrels between her and her husband, i.e., accused on some trivial matters and out of anger she lodged this case. She has admitted in her cross-examination that she gave her statement before the Magistrate according to the instructions of other people as well as according to her wish.

- 9.** The PW2, who is the mother of the informant, stated in her evidence that as there were frequent quarrels between the accused and the informant, as such, she brought the informant back to her house.
- 10.** The PW3 stated in his evidence that the informant no. of times left the house of the accused and they brought back her back but again she left. He has not seen the accused assaulting the informant any day. That he is the neighbour of the accused and he does not know why the case was lodged.
- 11.** The PW4 stated in his evidence that the accused often does not stay at his house due to his work and the informant is mentally unstable and leaves the house whenever she wants without informing anyone. That the informant lodged the case as because the accused did not listen to all her demands and she does whatever she wants. He did not see any quarrel between the accused and the informant.
- 12.** The PW5 stated in her evidence that the informant leaves the house of the accused whenever she wants at any time and the accused and his mother used to search for her everywhere. She does not know why the informant lodged the case.
- 13.** The PW6 stated in her evidence that the informant leaves the house of the accused whenever she wants at any time and the accused and his mother used to search for her everywhere. She does not know why the informant lodged the case.
- 14.** The PW8 stated in his evidence that he does not know why the informant lodged this case against the accused. About three years ago, the informant returned to her parental house leaving her

matrimonial house and thereafter, he heard that she returned as there were quarrels in her matrimonial house.

**15.**Hence, from the above evidences, it can be seen that the informant did not depose anything against the accused. She failed to depose anything about the cruelty alleged to be meted out to her by the accused. The other PWs also did not depose about anything against the accused and on the contrary most of them deposed against the informant.

**16.**Hence, considering the nature of the evidences of the prosecution, it can be held that the prosecution has miserably failed to establish the guilt of the accused and as such, the accused person is hereby not found guilty of the offence u/s 498A of the Indian Penal Code.

**17.**Hence, summing up all that has been discussed above, the prosecution has failed to prove the guilt of the accused person u/s 498A of the Indian Penal Code beyond reasonable doubt.

**(Contd.....)**

**ORDER**

As this court finds the accused person, namely, **Sri Raju Das** not guilty of the offence u/s 498A of the Indian Penal Code, the accused person is acquitted of the charges u/s 498A of the Indian Penal Code.

The accused person is set at liberty forthwith.

The bail bond is extended for 6 (six) months from today.

The judgment is pronounced in the open court.

Given under my hand and seal of this court on 6<sup>th</sup> of March, 2020.

(SMT. SWEETY BHUYAN)  
JUDICIAL MAGISTRATE 1<sup>ST</sup> CLASS  
Lakhimpur, North Lakhimpur

Dictated & Corrected by me:

(SMT. SWEETY BHUYAN)  
JMFC,NORTH LAKHIMPUR

Transcribed & typed by me:

Kumar Gaurav (Stenographer)

**APPENDIX**

**Prosecution witnesses**

1. PW1 : SMT. SUMPI DAS
2. PW2 : SMT. BINA DAS
3. PW3 : SRI PURNA KANTA DAS
4. PW4 : SRI PRASHANTA DAS
5. PW5 : SMT. JUNALI DAS
6. PW6 : SMT. KANSUAWALI DAS
7. PW7 : SRI NIRMAL CHANDRA BISWAS
8. PW8 : SRI PEGU DAS
9. PW9 : INSPECTOR NAREN SONOWAL

**Defence witnesses**

Nil.

**Documents exhibited by the prosecution**

1. EXT.1: COMPLAINT PETITION
2. EXT.2: STATEMENT U/S 164 CR.P.C.
3. EXT.3: SKETCH MAP
4. EXT.4: CHARGESHEET

**Documents exhibited by the Defence**

Nil.

(SMT. SWEETY BHUYAN)  
JUDICIAL MAGISTRATE 1<sup>ST</sup> CLASS  
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