

**IN THE COURT OF JUDICIAL MAGISTRATE 1ST CLASS,
LAKHIMPUR, NORTH LAKHIMPUR.**

GR CASE NO.2595/2018
U/S 498A IPC

PRESENT:

SMT. SWEETY BHUYAN
Judicial Magistrate 1st Class
Lakhimpur, North Lakhimpur.

PARTIES:

STATE OF ASSAM

Vs

SRI SUDIP SAIKIA

..... **ACCUSED PERSON**

Appearance:

For the State: MR. JANGKI DOLEY

For the accused person: MD. KHALID FARUQUI ANSARI

Date of Evidence: 13.03.2020

Date of Argument: 13.03.2020

Date of Judgment: 13.03.2020

JUDGMENT

1. The accused person, namely, **Sri Sudip Saikia**, S/o Sri Thaneswar Saikia, R/o village - Kawaimari, Morichapathar, Police Station- Bihpuria, 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.** The brief facts of the prosecution case is that the accused is the husband of the informant. About six months before from the date of lodging the ejahar, the accused started torturing the informant mentally and physically. He also used to spend all the earnings in purchasing liquor and other intoxicating materials. He also has illegal relation with other women. On 11.10.2018 at about 8:30 P.M. the accused assaulted the informant and injured her. Hence the case.
- 3.** The same was registered as Bihpuria Police Station Case No.644/2018 under Section 498A of the Indian Penal Code against Sri Sudip Saikia named in the ejahar. The Investigating Officer submitted Charge Sheet against the accused person, namely, Sri Sudip Saikia under Section 498A of the Indian Penal Code. The accused person took bail from the court and copies have been furnished to the accused person u/s 207 of the Code of Criminal Procedure.
- 4.** On going through the materials on record, this court is of the opinion that there is sufficient grounds to presume that the accused person has committed an offence under Section 498A of the Indian Penal Code, which this court is competent to try and adequately punish. Accordingly charge under the said Section is framed and the particulars of the said offences are 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 1(one) PW, who is the informant/victim. The statement of the accused person u/s 313 of the Code of Criminal Procedure is dispensed with due to lack of incriminating materials.

- 6.** After perusing the case record and hearing both sides the following point of determination is framed:
- (i) Whether the accused person, being the husband of the informant, since six months before the lodging of the ejahar and during the subsistence of his marriage, physically and mentally harassed the informant and committed cruelty against her, and thereby committed the 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 PW1/informant Smt. Gitanjali Saikia stated in her evidence that the accused is her husband. The incident took place about one year ago. There was some misunderstanding between her and her husband on some household matters, and as such, she lodged the case out of anger against the accused. Since 8 months they both have been staying together peacefully. They have one ten years old son. The accused did not torture her. Due to the continuous quarrels between them, she lodged this case.

In cross-examination, she stated that she has no objection if the accused person is acquitted. She has no grievances against him.

- 9.** This is a case under Section 498A IPC, where the PW1 who is the victim/informant of this case stated in her evidence that after their marriage there was some misunderstanding between her and her husband on some household matters, and as such, she lodged the case out of anger against the accused. Since 8 months they both have been

staying together peacefully. They have one ten years old son. The accused did not torture her. Due to the continuous quarrels between them, she lodged this case. In her cross-examination, the PW1 stated that she has no grievances against the accused person and has no objection if the accused person is acquitted.

10. The PW1 did not state about any offence committed by the accused person. The PW1 is the main witness being the informant, she did not support her own case and failed to depose anything against the accused.

11. 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 doubts thereby making them not guilty under the said Section.

(Contd....)

ORDER

As this court finds the accused person, namely, **Sri Sudip Saikia** and 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 13th of March, 2020.

(SMT. SWEETY BHUYAN)
JUDICIAL MAGISTRATE 1ST CLASS
Lakhimpur, North Lakhimpur

Dictated & Corrected by me:

(SMT. SWEETY BHUYAN)
JMFC, NORTH LAKHIMPUR

Typed by me:

Kumar Gaurav (Steno)

APPENDIX

Prosecution witnesses

1. PW1 : SMT. GITANJALI SAIKIA

Defence witnesses

Nil.

Documents exhibited by the prosecution

1. Ext.1: EJAHAR

Documents exhibited by the Defence

Nil.

(SMT. SWEETY BHUYAN)
JUDICIAL MAGISTRATE 1ST CLASS
Lakhimpur, North Lakhimpur

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JMFC,NORTH LAKHIMPUR

Typed by me:

Kumar Gaurav (Steno)