

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

**GR CASE NO.543/2019**  
**U/S 498A IPC**

**PRESENT:**

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

**PARTIES:**

STATE OF ASSAM  
Vs  
SRI DIGANTA BORUAH

..... **ACCUSED PERSON**

**Appearance:**

For the State .....: MR. JANGKI DOLEY  
For the accused person .....: MR. PANKAJ SAIKIA

Date of Evidence .....: 05.03.2020

Date of Argument .....: 05.03.2020

Date of Judgment .....: 05.03.2020

**JUDGMENT**

1. The accused person, namely, **Sri Diganta Boruah**, S/o Sri Muhiram Boruah, R/o village - Gosaichuk, 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 informant alongwith her husband, i.e., the accused and his family members have been residing at Delhi since one and half years and about three months ago the accused saying her that he was visiting his house only for 15 days returned to his house leaving her at Delhi. After that she stopped contacting her. Having no other alternative on 08.03.2019 at about 9:30 A.M. she went to the house of the accused and found him there and his parents uttered obscene words against her and her father-in-law dashed her and tried to chase her out of their house. There were quarrels between both the parties and the accused slapped her. His parents threatened to burn the informant and in the middle of such circumstances, the accused fled away from his house. Hence, the case.
- 3.** The same was registered as Bihpuria Police Station Case No.126/2019 under Section 498A of the Indian Penal Code against three persons, namely, Sri Diganta Boruah, Smt. Minu Boruah and Sri Muhiram Boruah, named in the ejahar. The I.O submitted Charge Sheet against the accused person, namely, Sri Diganta Boruah under Section 498A of IPC. 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. 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 point of determination is framed:
  - (i) Whether the accused person, being the husband of the informant, about three months ago from the date of filing the ejahar, has been mentally and physically torturing the informant and has been subjecting her to cruelty and thereby committed the offence 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 stated in her evidence that the accused was her husband. The incident took place about one year ago. After their marriage, there was some misunderstanding between her and her husband, i.e., the accused on some household matters, and as such, she lodged the case out of anger and misunderstanding against the accused. Due to the continuous quarrels between them, she lodged this case. At present she is staying separately from him. She does not want to continue with the case.

The informant/PW1 stated in her cross-examination that they both have been staying separately on the basis of mutual

settlement between them. She has no grievances against the accused person and if he is acquitted, she has no objection.

**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 the accused was her husband and 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 and misunderstanding against the accused. At present she is staying separately from him and she does not want to continue with the case. In her cross-examination, she deposed that they both have been staying separately on the basis of mutual settlement between them and she has no grievances against the accused person and if he is acquitted, she has no objection.

**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 him not guilty under the said Section.

**(Contd....)**

**ORDER**

As this court finds the accused person, namely, **Sri Diganta Boruah** 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 5<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

Typed by me:

Kumar Gaurav (Stenographer)

**APPENDIX**

**Prosecution witnesses**

1. PW1 : SMT. KUNTI MALI BORUAH

**Defence witnesses**

Nil.

**Documents exhibited by the prosecution**

1. Ext.1: EJA HAR

**Documents exhibited by the Defence**

Nil.

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

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JMFC,NORTH LAKHIMPUR

Typed by me:

Kumar Gaurav (Stenographer)