

GR CASE NO: 1229 of 2018

**IN THE COURT OF JUDICIAL MAGISTRATE FIRST CLASS,
LAKHIMPUR, NORTH LAKHIMPUR**

GR CASE NO: 1229 of 2018

Under section 498(A) IPC.

State

-Versus-

Sri Pulak Saikia Accused Person

**PRESENT : Sri Jayanta Kumar Saikia, AJS
 Judicial Magistrate, First Class
 Lakhimpur, North Lakhimpur.**

ADVOCATES APPEARED-

FOR THE PROSECUTION : Sri Debajit Dutta Borah

FOR THE ACCUSED : Smt. Monisha Boruah

CHARGE FRAMED ON: 05-04-2019

EVIDENCE RECORDED ON: 11-06-2019

ARGUMENT HEARD ON : 11-06-2019

JUDGMENT DELIVERED ON: 11-06-2019.

JUDGMENT

- 1.** The prosecution case sets into motion by filing a FIR by the informant, Smt. Sangita Gogoi Saikia alleging that the accused person, named in the FIR, namely, Sri Pulak Saikia is her husband and after the marriage, her husband subjected her to physical and mental torture by demanding dowry in the form of cash. It is further alleged that on 14.05.2018, the accused person physically assaulted her by demanding dowry and also drove her out of her matrimonial house. Hence, she has lodged this case.
- 2.** The Officer-in-charge, Panigaon Police station, on receipt of the Ejahar registered Panigaon P.S. Case No. 50/2018, under section 498(A) of IPC and endorsed the concerned I.O for investigation. After completion of the investigation, the concerned I.O. submitted charge sheet against the accused person, Sri Pulak Saikia under Section of 498(A) IPC, showing him as an absconder in this case.
- 3.** In due course, the accused person appeared before the Court and the copies of relevant documents were furnished to him as per section 207 of CrPC. Having found a prima facie case against the accused person, the charge is framed, under Section 498(A) of IPC against the accused person, which is read over and explained to him vide order dated 05.04.2019, to which he pleaded not guilty and claimed to be tried.
- 4.** The prosecution, in support of its case, examined only one (01) witness. The Learned Assistant Public Prosecutor prayed to close the PW evidence as the principal witness, who is the victim and informant of the case does not support the prosecution case.
- 5.** The statement of the accused person under section 313 of CrPC is dispensed with as there are no incriminating materials found against the accused person. Defence side examined no witnesses.
- 6.** I have heard the arguments advanced by the learned counsels for both sides.

7. POINTS FOR DETERMINATION:-

- (i) Whether on various dates after the marriage and on 14.05.2018, at Saru Kamalabaria under the jurisdiction of Panigaon Police station, the accused person, being the husband of the victim/informant, Smt. Sangita Gogoi Saikia, subjected her to physical and mental torture by demanding dowry in the form of cash and thereby committed an offence punishable under Section-498(A) of IPC?

DISCUSSION, DECISION AND REASONS THEREOF:

- 8.** In the instant case, the prosecution side adduced the evidence of PW-1/informant-victim only but she does not support the prosecution story.
- 9.** The evidence of **PW1**, Smt. Sangita Gogoi Saikia, who is the informant and the victim of this case, reveals that she has lodged this case against the accused person, Sri Pulak Saikia. She has stated that she was married to the accused person about 3 years back and she has begotten a male child out of this wedlock. After the marriage, due to some misunderstanding, she has lodged this case against her husband. She says that they have amicably settled their disputes and at present, she is living peacefully with her husband and her child at her matrimonial house. She does not want to proceed with the case by adducing evidence. In her cross-examination, she deposed that she has no allegation against the accused person. She has no objection, if the accused person gets acquittal in this case. She does not know who has scribed the FIR.
- 10.** The Learned Asstt. Public Prosecutor prayed to close the PW evidence stating that the principal witness, who is the informant and the victim of the case has not supported the prosecution case. The victim/informant (PW1), deposed in her testimony that she has

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no allegation against the accused person as the case was lodged due to misunderstanding. Her testimony reveals that she does not want to proceed with the case by adducing evidence as they have amicably settled their dispute. The testimony of the aforesaid witness is voluntarily and at present, she has no objection, if the accused person gets acquittal in this case and she is living peacefully with her husband and her child at her matrimonial house. There is nothing in the evidence incriminating the accused person that he has committed an offence under section-498(A) of IPC.

- 11.** Situated thus, in my considered opinion the prosecution side has failed to bring home the guilt of the accused person under offence under section 498(A) of IPC as the informant and victim of the case did not support the prosecution story.

ORDER

In the light of aforesaid discussions and reasons, it is seen that the prosecution side failed to prove the guilt of the accused person. Accordingly, the accused person, Sri Pulak Saikia is acquitted from the offence under Section 498(A) of IPC and he is set at liberty forthwith.

The bail bonds of the accused person and his surety shall remain in force for a period of 6 months from today as per amended CrPC.

Given under my hand and seal of this court on this 11th day of June, 2019.

Sri Jayanta Kumar Saikia, AJS
Judicial Magistrate, First Class,
Lakhimpur, North Lakhimpur

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APPENDIX

PROSECUTION EXHIBITS:

NIL

DEFENCE EXHIBITS

NIL

PROSECUTION WITNESSES

PW-1: Smt. Sangita Gogoi Saikia (informant-victim).

DEFENCE WITNESSES

NONE

MATERIAL EXHIBITS

NIL

Sri Jayanta Kumar Saikia, AJS
Judicial Magistrate, First Class,
Lakhimpur, North Lakhimpur.