

**IN THE COURT OF SUB DIVISIONAL JUDICIAL MAGISTRATE
(SADAR), NORTH LAKHIMPUR, LAKHIMPUR**

GR CASE NO: 2127 of 2016

U/S 498-A of IPC

State

-Versus-

Sri Jitu Saikia

.....Accused Person

**PRESENT : Smt. Sorbani Bhattacharjee , AJS
Sub Divisional Judicial Magistrate (Sadar)
Lakhimpur, North Lakhimpur**

ADVOCATES APPEARED-

FOR THE PROSECUTION : Sri Khirod Kr. Kakoti

FOR THE ACCUSED : Sri Keshav Saikia

EVIDENCE RECORDED ON : 10.06.2019

ARGUMENT HEARD ON : 24.06.2019

JUDGMENT DELIVERED ON : 24.06.2019

JUDGMENT

1. The prosecution story in brief is that the accused is the husband of the informant and they got married about seven years prior to lodging FIR. The accused has been torturing her physically and mentally since long. On 18.08.2016 at about 9:30 AM the accused assaulted her causing injury over various parts of her body. She left her matrimonial house and started to stay in her parental house.

2. The Officer-in-charge, Bihpuria Police Station, on receipt of Ejahar registered Bihpuria Police Station Case No. 598/2016, U/S 498-A of IPC and started investigation. After completion of the investigation, the concerned I.O. submitted charge sheet against the accused person Sri Jitu Saikia U/S 498-A of IPC.

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 U/S 498-A of IPC was framed which was read over and explained to him to which he pleaded not guilty and claimed to be tried.

4. The prosecution, in support of its case, examined the informant only as PW-1. As per the submission and prayer of learned Assistant Public Prosecutor, further evidence of prosecution side was closed as the informant-cum-victim of this case has not supported the prosecution story. As there appears no incriminatory evidence against the accused hence recording of his statement U/S 313 of the Code of Criminal Procedure was dispensed. Defence side examined no witnesses. I have heard the arguments advanced by the learned counsels for both sides.

5. POINT FOR DETERMINATION:-

Whether the accused being the husband of the informant Smti Popy Bhuyan Saikia, at Tipling Pasuwa under the jurisdiction of Bihpuria P.S., since long subjected her to cruelty by demanding dowry from her and tortured her physically and mentally to meet the demand and thereby committed an offence punishable U/S 498-A of Indian Penal Code ?

DISCUSSION, DECISION AND REASONS THEREOF:

6. PW-1 Smti. Popy Bhuyan Saikia in her evidence deposed that she is the informant of this case. Accused is her husband. In the year 2009 she eloped with the accused and later on they got married

socially. They have one daughter. In the month of August, 2016 an altercation took place between her and accused on trivial family matter. Out of anger she came out of his house and lodged this case. Since then she is staying in her parental house. She has no grievance against the accused. They have settled the matter amicably between them. Defence declined to cross-examine her.

7. In this case prosecution examined only one witness i.e. the informant-cum-victim of this case. From the evidence of PW-1 who is the informant-cum-victim of this case, it is apparent that in the month of August, 2016 an altercation took place between the informant and accused on trivial family matters and out of anger she came out of his house and lodged this case. PW-1 being the informant-cum-victim of this case has not incriminated the accused person with any kind of torture or dowry demand. Her evidence reveals that she has no grievance against the accused and they have amicably settled this case. There is no iota of evidence in this case to hold the accused guilty for the said offence. Situated thus, I am of the opinion that the ingredients of the offence u/s 498-A of IPC has not been proved against the accused person beyond all reasonable doubt by the prosecution and hence the accused person is hold not guilty for the alleged offence.

ORDER

8. Accordingly, the accused person Sri Jitu Saikia is acquitted of the offence U/S 498-A of IPC and he is set at liberty forthwith. The bail bond 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 24th day of June, 2019.

**Smti Sorbani Bhattacharjee, AJS
Sub Divisional Judicial Magistrate (S)
Lakhimpur, North Lakhimpur**

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APPENDIX

PROSECUTION EXHIBITS:

NIL

DEFENCE EXHIBITS

NIL

PROSECUTION WITNESSES :

(1) Smti. Popy Bhuyan Saikia

DEFENCE WITNESSES

NONE

MATERIAL EXHIBITS

NIL

**Smt. Sorbani Bhattacharjee, AJS
Sub Divisional Judicial Magistrate (S)
Lakhimpur, North Lakhimpur**