

IN THE COURT OF JUDICIAL MAGISTRATE FIRST CLASS

Lakhimpur, North Lakhimpur

PRESENT: Ms. Sparsita Garg, M.A, LL.M, AJS

Judicial Magistrate First Class,

Lakhimpur, North Lakhimpur

G.R. Case No. 2095/2016

State

Versus

Ranoj Mili

(Under section 498(A) IPC R/W section 3 and 4 D.P. Act)

Charge framed on	: 21.07.2017
Evidence recorded on	: 08.03.2021
Statements recorded on	: Dispensed with
Arguments heard on	: 08.03.2021
Judgment delivered on	: 08.03.2021
Advocate for the Prosecution	: Mr. Jangki Doley
Advocate for the Accused	: Ms. Madhumita Ghosh

J U D G E M E N T

- 1.** Accused person stood for trial for commission of offence u/s 498 (A) IPC r/w section 3 and 4 D.P. Act.
- 2.** The informant Dipali Sinte Mili lodged an ejahar dated 16.08.2015 stating *inter alia* that she was married to the

accused according to Hindu rites and customs and thereafter both parties started their conjugal life and resided together as husband and wife. Out of the said wedlock two children were born to them. After one year of marriage, the accused tormented mental and physical torture on the informant in demand of dowry and assaulted her on several occasions. The informant further submits that the accused with an intent to marry another woman drove the informant from her matrimonial house. On 14.08.2016 at about 8:00 a.m., the accused demanded the informant to bring Rs 3,00,000/- (Rupees Three Lakhs Only) from her parental house for purchasing a vehicle. When the informant refused to fulfill the demand of the accused, she was beaten up by him and thereafter the accused married another woman and drove out the informant from her matrimonial house and threatened her with dire consequences. Hence this case.

3. On receipt of the ejahar, incharge of Nowboicha Outpost forwarded the same to North Lakhimpur Police Station and thereafter the O.C. of North Lakhimpur Police Station registered the case as North Lakhimpur P.S. Case no. 839/2016 u/s 498(A) r/w section 3 and 4 D.P. Act. Thereafter I.O. launched investigation of the case and submitted chargesheet u/s 498(A) r/w section 3 and 4 D.P. Act against the accused Ranoj Mili.

4. Thereafter, cognizance has been taken and summon have been issued to the accused person. On appearance of accused person, necessary documents required u/s 207 Cr. P.C have been furnished to them. On perusal of the materials on record formal charges u/s 498 (A) IPC r/w section 3 and 4 D.P. Act is read over and explained to the accused person to which he pleaded not guilty and claimed to be tried.

5. Prosecution in support of its case has examined only

one (1) witness.

6. Examination of accused person u/s 313 Cr. P.C. is dispensed with since no incriminating materials are found against him. Accused denied adducing evidence in defence.

7. I have heard the arguments advanced by the learned counsel for the accused person and Ld. A.P.P. Perused the materials available in the case record. Upon hearing both the parties and on perusal of the record, following points for determination are formulated for proper adjudication of this case.

POINTS FOR DETERMINATION:

Point No 1: Whether the accused person being the husband of the informant/victim Smt. Dipali Chintey Mili, at village Kawoi Bhuruka, under North Lakhimpur Police Station, since after one year of her marriage subjected her to cruelty and tortured her physically and mentally on demand of money and articles as dowry and subsequently on 14.08.2016, at about 8:00 a.m., the accused physically assaulted her inflicting injury to her when she disagreed to bring Rs 3,00,000/- as dowry from her parents house and threatened her to leave his house and thereby committed an offence punishable u/s 498 (A) of IPC read with section 3 and 4 of D.P. Act?

DISCUSSIONS, DECISIONS AND REASONS THEREOF:

8. Now let me try to decide the above points by appreciating the evidence available in the case record. I have carefully considered the evidence available in the instant case. From the evidence of **P.W-1/informant Dipali Mili @ Sinte**, it reveals that the informant is no

more interested to proceed with the case against the accused person on the ground that the matter is amicably settled between them. It also reveals that the informant herself has refused to lead evidence against the accused person in support of the ejahar lodged in this case by her. Thus, from the little evidence that has been brought before this court in the form of statement made by the informant/P.W-1, it is seen that no offence has been made out against the accused person under any section of law. Situated thus, it is found that the informant has failed to implicate the accused person of any offence.

ORDER

9. In view of the above discussions, I am of the considered opinion that, prosecution has failed to establish the case against accused person namely Ranoj Mili. Accordingly, accused is acquitted of the charge u/s 498(A) r/w section 3 and 4 D.P. Act levelled against him in this instant case.

10. Set the accused person at liberty forthwith.

11. The bail bond for the accused person is extended for a further period of six (6) months.

12. The case is disposed of on contest accordingly.

Given under my hand and seal on this 08th day of March, 2021 at Lakhimpur, North Lakhimpur.

(Ms. Sparsita Garg)
Judicial Magistrate First Class
Lakhimpur, North Lakhimpur

APPENDIX

A. WITNESS OF PROSECUTION:

1. P.W-1 : Dipali Mili @ Sinte

B. EXHIBITS OF PROSECUTION:

1. Exhibit 1 : Ejahar
2. Exhibit 1(1): Signature of the informant

C. WITNESS OF DEFENSE: NIL

D. EXHIBITS OF DEFENSE: NIL

(Ms. Sparsita Garg)
Judicial Magistrate First Class
Lakhimpur, North Lakhimpur