

**IN THE COURT OF THE CHIEF JUDICIAL MAGISTRATE, LAKHIMPUR,  
NORTH LAKHIMPUR, ASSAM**

Present: Sri Akhtabul Ala, AJS,  
Chief Judicial Magistrate,  
Lakhimpur, North Lakhimpur, Assam

**G.R. 1372/2019**

Under section 498-A of the Indian Penal Code

**State of Assam**

**-Vs-**

**Sri Babul Bonia**

..... Accused

Date of framing charge : 12.02.2020  
Date of recording evidence : 26.02.2020  
Date of examination u/s 313, Cr.P.C. : 26.02.2020  
Date of argument : 26.02.2020  
Date of judgment : **26.02.2020**

**Advocates appeared in the case:-**

Sri Prasanta Dutta and Smti. Ajanta Sharma Baruah, Addl. P.P., for the State  
Sri Samiran Chutia, Advocate, for the accused

**J U D G M E N T**

1. This case has arisen out of an ejahar lodged on 01.06.2019 by informant Smti. Pinky Bonia Gogoi with the Officer-in-charge of Boginadi Police Station alleging inter alia that the accused Sri Babul Bonia is her husband and since after her marriage and subsequently on 30.05.2019, at night, the accused subjected her to cruelty by torturing her physically and mentally. Hence, the case.

2. On receipt of the ejahar, the Officer-in-charge of Boginadi Police Station registered a case vide Boginadi P.S. Case No. 123/2019 under

section 498-A of the Indian Penal Code and got the investigation into the case commenced. The investigating officer, after completing the investigation, submitted charge-sheet under section 498-A of the Indian Penal Code against the accused Sri Babul Bonia to stand trial in the Court.

3. On receipt of the charge-sheet, cognizance of the offence under section 498-A of the Indian Penal Code was taken as per section 190(1)(b) of the Code of Criminal Procedure. Necessary copies were furnished to the accused as per section 207 of the Code of Criminal Procedure after his appearance before the Court. After considering the materials on record and hearing both the sides, charge under section 498-A of the Indian Penal Code was framed in writing against the accused. The charge was read over and explained to the accused to which he pleaded not guilty and claimed to be tried.

4. During the trial, the prosecution examined only 1 (one) witness i.e. Smti. Pinky Bonia Gogoi, the informant and victim, as PW-1. The prosecution had exhibited the ejahar as Ext-1 and the signature of the informant (PW-1) therein as Ext-1(1). The defence side has cross-examined the prosecution witness. After the closure of the prosecution evidence, the accused was examined under section 313 of the Code of Criminal Procedure wherein he pleaded his innocence. He declined adducing any defence evidence.

5. Both the sides advanced their respective arguments in this case.

**POINT FOR DETERMINATION:**

6. The point which is required to be determined for a just decision of this case is as follows:

(a) Whether the accused being the husband of informant-cum-victim Smti. Pinky Bonia Gogoi had subjected her to cruelty by committing physical and mental tortures on her posing a threat to her life and limb ?

**DISCUSSION, DECISION AND REASONS THEREOF:**

7. To determine the aforesaid point of determination let us have a scrutiny of the evidence on record.

8. PW-1 Smti. Pinky Bonia Gogoi, the informant and victim, deposed in her evidence that the accused Babul Bonia is her husband with whom she was married about 6 years back and she has a daughter out of this wedlock who is presently 5 years old. She further deposed that about 7-8 months back she had a quarrel with the accused over some family matter and out of a rage she had left his house and moved to her parental house and later, she out of a misunderstanding had lodged this case against the accused. She further deposed that her husband i.e. the accused after two days came to her parental house and took her back to his house and presently, she is leading a peaceful conjugal life with him.

9. In her cross-examination, PW-1 stated that she has no objection if the accused is acquitted as this case arose only out of a misunderstanding.

10. Thus, it is quite apparent from the evidence on record that PW-1 the informant and victim of this case has not at all implicated the accused and she has not even stated anything about the occurrence as alleged by the prosecution. As per her version, only an altercation took place between her and the accused over some family matters and out of anger she had left the house of the accused and moved to her parental house and later out of a misunderstanding she had lodged this case against the accused and after two days the accused came to her parental house and took her back to his house and since then she has been leading a peaceful conjugal life with him. That apart, nothing else had happened. She clarified in her cross-examination that she does not have any objection if the accused is acquitted as this case arose only out of a misunderstanding. Thus, there is not an iota of evidence to suggest that the informant and victim (PW-1) was harassed by the accused by causing any grave injury to her either physically or mentally as alleged.

11. So, in the given position from the evidence on record it can no way be held that the accused has subjected the informant and victim to cruelty by committing physical and mental torture on her.

12. So, the aforesaid point of determination is held in negative.

13. In the result, the prosecution has failed to prove the charge against the accused under section 498-A of the Indian Penal Code and as such he is acquitted from the said charge and is set at liberty.

Bail bonds are extended to for the further 6(six) months from today.

The judgment is delivered and operative part of the same is pronounced in the open court on this 26<sup>th</sup> day of February, 2020.

**(Sri Akhtabul Ala)**  
Chief Judicial Magistrate,  
Lakhimpur, North Lakhimpur

Dictated and Corrected by me:

**(Sri Akhtabul Ala)**  
Chief Judicial Magistrate,  
Lakhimpur, North Lakhimpur

Transcribed and typed by me:

Narayan Chetri, Stenographer

Continued ..... (Appendix)

**A P P E N D I X**

**WITNESSES FROM THE PROSECUTION SIDE**

Smti. Pinky Bonia Gogoi (PW-1)

**PROSECUTION EXHIBIT**

Ejahaar (Ext-1)

Signature of PW-1 [Ext-1(1)]

**WITNESSES FROM THE DEFENCE SIDE**

Nil

**DEFENCE EXHIBIT**

Nil

**(Sri Akhtabul Ala)**  
Chief Judicial Magistrate,  
Lakhimpur, North Lakhimpur