

**IN THE COURT OF JUDICIAL MAGISTRATE 1ST CLASS,
LAKHIMPUR, NORTH LAKHIMPUR.**

GR CASE NO.1323/2018
U/S 498A IPC

PRESENT:

SMT. SWEETY BHUYAN
Judicial Magistrate 1st Class
Lakhimpur, North Lakhimpur.

PARTIES:

STATE OF ASSAM
Vs
SRI PANKAJ SAIKIA

..... **ACCUSED PERSON**

Appearance:

For the State: MR. JANGKI DOLEY

For the accused person: MR. DEEPSANKAR SAIKIA

Date of Evidence: 12.02.2020

Date of Argument: 12.02.2020

Date of Judgment: 12.02.2020

JUDGMENT

1. The accused person, namely, **Sri Pankaj Saikia**, S/o Sri Manik Saikia, R/o village - Napomua, Police Station- Panigaon, 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 accused is the husband of the informant and from the date of their marriage, the accused alongwith the other accused persons named in the ejahar started to torture her mentally and physically by demanding dowry. He demanded Rs.3,00,000/- in cash. That about three days ago from the date of lodging the ejahar, the accused told her that he will burn her by pouring petrol on her. Thereafter, in order to save her life, the informant returned to her parental house. Hence the case.
- 3.** The same was registered as Panigaon Police Station Case No.52/2018 under Sections 498A/325/34 of the Indian Penal Code against three persons, namely, Sri Pankaj Saikia, Sri Manik Saikia and Smt. Minawati Saikia, named in the ejahar. The I.O submitted Charge Sheet against the accused person, namely, Sri Pankaj Saikia 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. Defence adduced none. 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, from the day of his marriage, mentally and physically tortured the informant by demanding dowry and subjected the informant 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 three years 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 against the accused. Due to the continuous quarrels between them, she lodged this case. At present she is staying separately from him and have married another person. She does not want to continue with the case.

In cross-examination, she stated that they both have been staying separately on the basis of mutual agreement and settlement between them. She has no objection if the accused person is acquitted. She has no grievances against him.

- 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 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 against the accused. Due to the continuous quarrels between them, she lodged this case. At present she is staying separately from him and have married another person. She does not want to continue with the case. In her cross-examination, the PW1 stated that she has no grievances against the accused person and has no objection if the accused person is acquitted.

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 Pankaj Saikia** 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 12th of February, 2020.

(SMT. SWEETY BHUYAN)
JUDICIAL MAGISTRATE 1ST CLASS
Lakhimpur, North Lakhimpur

Dictated & Corrected by me:

(SMT. SWEETY BHUYAN)
JMFC, NORTH LAKHIMPUR

Typed by me:

Kumar Gaurav (Steno)

APPENDIX

Prosecution witnesses

1. PW1 : PRIYANKA HAZARIKA SAIKIA

Defence witnesses

Nil.

Documents exhibited by the prosecution

1. Ext.1: EJA HAR

Documents exhibited by the Defence

Nil.

(SMT. SWEETY BHUYAN)
JUDICIAL MAGISTRATE 1ST CLASS
Lakhimpur, North Lakhimpur

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Kumar Gaurav (Steno)