

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

**GR CASE NO.73/2019
U/S 498A IPC**

PRESENT:

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

PARTIES:

STATE OF ASSAM

Vs

SRI DEBO KANTA MEDHI

..... **Accused person**

Appearance:

For the State: MR. JANGKI DOLEY

For the accused person: MR. P. BURAGOHAIN,

MD. ABDUL KADIR,

& MISS PALLABI BORAH

Dates of Evidence: 26.11.2019

Date of Argument: 26.11.2019

Date of Judgment: 19.12.2019

(After argument the date of judgment was fixed on 10.12.2019, but on that day, the court work was disrupted on that day due to "Assam Bandh" called by some organizations and the accused was absent, as such, the date of judgment was fixed on 19.12.2019)

JUDGMENT

- 1.** The accused person, namely, **Sri Debo Kanta Medhi**, S/o Late Guna Medhi, R/o village- Anaighoria, P.S.- 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 her husband and they have a daughter. After 4-5 months of their marriage, the accused showing some frivolous grounds and alleging her of having illicit relation with other men, tortured her mentally and physically. On 07.12.2018 the accused assaulted the informant and chased her out and as such, she has been taking shelter in her parental house. The accused often visits her paternal house and tries to bring her daughter with him and has been threatening her. Hence, the case and the same was registered as Panigaon Police Station Case No.04/2019 under Section 498A of the Indian Penal Code against Sri Debo Kanta Medhi named in the ejahar. The I.O submitted Charge Sheet against the accused Sri Debo Kanta Medhi under Sections 498A of IPC. The accused person took bail from the court and copy has been furnished to the accused u/s 207 CrPC.
- 3.** 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.

4. In support of the case, the prosecution has adduced 2(two) PWs. The statement of the accused person u/s 313 CrPC is dispensed with due to lack of incriminating materials.
5. After perusing the case record and hearing both sides the following point of determination is framed:
 - (i) Whether the accused, being the husband of the informant, after 4-5 months 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:

6. I have heard the argument from both sides.
7. The PW1/informant, Rinkumoni Nath, stated in her evidence that the incident took place about six months ago. There was some misunderstanding between her and her husband on some household matters, and as such, she lodged the case out of anger against the accused. Since last five months they both have been staying together peacefully.

In cross-examination, she stated that she has no objection if the accused is acquitted. She has no grievances against him.

8. The PW2 Tutumoni Nath, who is the mother of the informant, stated in her evidence that The incident took place about one year ago. There was some misunderstanding between the informant and her husband on some household matters, and as such, she lodged the case out of anger against the accused. Since last five months they both have been staying together peacefully and they have a daughter.

In cross-examination, she stated that she has no objection if the accused 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 there was some misunderstanding between her and her husband on some household matters, and as such, she lodged the case out of anger against the accused. Since last five months they both have been staying together peacefully. In her cross-examination, the PW1 stated that she has no grievances against the accused and has no objection if the accused is acquitted. The PW2, who is the mother of the informant, stated that there was some misunderstanding between the informant and her husband on some household matters, and as such, she lodged the case out of anger against the accused. Since last five months they both have been staying together peacefully and they have a daughter. In her cross-examination, the PW1 stated that she has no grievances against the accused and has no objection if the accused is acquitted.

10. The PW1 and the PW2 did not state about any offence committed by the accused person. The PW1 is the main witness being the informant and the victim did not support her own case. Hence, the guilt of the accused person could not be established by the prosecution. Hence the accused person is hereby not found guilty of the offence u/s 498A of the Indian Penal Code.

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 doubt.

(Contd.....)

ORDER

As this court finds the accused person, namely, **Sri Debo Kanta Medhi** 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 19th of December, 2019.

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

Dictated & Corrected by me:

(SMT. SWEETY BHUYAN)
JMFC,NORTH LAKHIMPUR

Transcribed & typed by me:

Kumar Gaurav (Stenographer)

APPENDIX

Prosecution witnesses

1. PW1 : Rinkumoni Nath
2. PW2 : Tutumoni Nath

Defence witnesses

Nil.

Documents exhibited by the prosecution

1. Ext.1: Ejahar

Documents exhibited by the Defence

Nil.

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

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(SMT. SWEETY BHUYAN)
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Kumar Gaurav (Stenographer)