

IN THE COURT OF MUNSIFF CUM JUDICIAL MAGISTRATE FIRST CLASS::TIHU
DISTRICT: NALBARI

PRC Case No. 74/19

U/s. 498-A IPC

State of Assam

-vs-

1. Sri Sanju Haloi

S/O Sri Shyama Haloi

Vill: Nannatari

PS. Tihu

Dist. Nalbari ... Accused persons

Present: Sri Anurup Bordoloi, AJS

Munsiff cum JMFC, Tihu.

Advocates appeared:

For the State : Mr. P. Barman, A.P.P.

For the Defence : Mr. S. Talukdar,

Mrs. P. Haloi, Advs.

Dates of Evidence : 25.06.19, 04.07.19

Date of Argument : 04.07.19

Date of Judgment : 04.07.19

J U D G M E N T

1. Prosecution case, in brief, is that on 09.04.19, one Smti. Garima Das lodged an ejahar before the Officer-in-Charge, Tihu P.S. alleging inter-alia that on 08.04.19, at about 06:00 pm, the accused persons, namely, Sanju Haloi and Dulu Haloi @ Kalita assaulted the informant when she failed to fulfill the demands of the accused persons. The informant further stated that at the time of incident she was pregnant and the accused persons tried to cause damage to her womb. Hence, the case.

2. On receipt of the ejahar, Tihu P.S. Case No. 60/19 u/s 498-A IPC was registered and investigated into. On completion of the investigation, I/O filed charge-sheet only against the accused Sanju Haloi U/s 498-A I.P.C.

3. On appearance before the court, necessary copies were furnished to the accused person. Perusal of case record reveals prima facie materials against the accused person u/s 498-A IPC and as such charge under the same section of law was framed against the accused person which was read over and explained to him to which he pleaded not guilty and claimed to be tried.

4. In support of its case, prosecution side examined only 7 (seven) witnesses. The statement of the accused person u/s 313 CrPC has been recorded wherein the accused took the plea of denial. Defence declined to examine any witness.

5. I have heard the arguments of the learned counsels for both the sides at length, gone through the case record and perused the evidence carefully.

POINTS FOR DETERMINATION ARE:

6. *(i) Whether the accused person on 08.04.19, at about 06.00 PM, at Nannatari under Tihu P.S., being the husband of the informant subjected her to cruelty and thereby committed an offence punishable u/s 498-A IPC?*

DISCUSSION, DECISION AND REASONS THEREON:

7. Before going to decide the points for determination, let me describe the evidence in brief.

8. *PW 1/Smti Garima Das/informant*, deposed in her evidence that she had lodged this case against her husband on 10-4-19 on some misunderstandings.

9. *In her cross-examination, PW 1 stated that she has no objection if the accused person is acquitted.*

10. *PW 2/Smti. Saraswati Haloi*, deposed in her evidence that informant is her daughter-in-law and that PW 1 had filed the case against her son on some misunderstandings. Defence declined to cross-examine this witness.

11. *PW 3/Smti. Gita Das*, deposed in her evidence that the informant is her daughter and the accused is her son-in-law. PW 3 further deposed that she does not know anything about the incident. Defence declined to cross-examine this witness.

12. *PW 4/Smti. Subhadra Haloi*, deposed in her evidence that she knows both the informant and the accused person. PW 4 further deposed that she does not know anything about the incident. Defence declined to cross-examine this witness.

13. *PW 5/Dr. Tapan Talukdar*, deposed in his evidence that he examined one Garima Das on 09-04-19 at about 09:05 pm who was escorted by G. Kachari (WPC 445) vide registratuion number 264/19. The victim complained of physical assault by her

husband on 08-04-19 at about 6pm. On examination, PW 5 had found no external injury. The victim also stated PW 5 that she was pregnant but PW 5 had not clinically examined whether she was pregnant or not. The nature of injury was simple. Defence declined to cross-examine this witness.

14. *PW 6/Sri Dhruba Das*, deposed in his evidence that he knows the informant and the accused person. PW 6 further deposed that he does not know anything about the incident. Defence declined to cross-examine this witness.

15. *PW 7/Sri Akash Das*, deposed in his evidence that he knows the informant and the accused person. PW 7 further deposed that he does not know anything about the incident. Defence declined to cross-examine this witness.

16. Perusal of the evidences on record reveals that PW 1/informant deposed in her statement that she had lodged the case against her husband on some misunderstandings. The other PW's deposed that they don't know anything about such incidents. In view of the evidence of the informant herself as well as other PW's, I am of considered opinion that there is not a single iota of proof against the accused person u/s 498-A IPC. As such the accused person deserves acquittal.

ORDER

16. In view of the conclusion made above, I hold the accused person not guilty of the offence U/s 498-A IPC and hence, he is acquitted of the offence 498-A IPC. The accused person is set at liberty forthwith.

17. The bail-bond of the accused person shall remain in force for a period of six months from the date of this order.

18. The judgment is delivered in the open Court in presence of the accused and her learned Counsel.

Given under my hand and the seal of this court on this 04th day of July, 2019.

(Anurup Bordoloi)
Munsiff cum JMFC, Tihu

Typed by me,

(Anurup Bordoloi)
Munsiff cum JMFC, Tihu

:APPENDIX:

1. Prosecution witnesses:

PW 1 - Smti Garima Das

PW 2 - Smti. Saraswati Haloi,

PW 3 - Smti. Gita Das

PW 4 - Smti. Subhadra Haloi

PW 5 - Dr. Tapan Talukdar

PW 6 - Sri Dhruba Das

PW 7 - Sri Akash Das

2. Prosecution exhibits:

Ext 1 – Injury Report

Ext 1(1) –Signature of PW 5

3. Defence witness: Nil

4. Defence Exhibits: Nil

5. Court Witness:

Munsiff cum JMFC, Tihu