

**THE COURT OF THE SUB-DIVISIONAL JUDICIAL
MAGISTRATE (SADAR), NALBARI**

**PRESENT:- KAUSHIK KAMAL BARUAH, S.D.J.M.(S),
NALBARI.**

DATE OF JUDGMENT:- 28/02/2022

CASE NO:- PRC- 145/2020

COMPLAINANT	STATE OF ASSAM
REPRESENTED BY	SMT. MONIKA CHAKRABORTY
ACCUSED	1) SRI ARUP TALUKDAR S/O SRI GOPAL TALUKDAR 2) SRI NIRANJAN TALUKDAR S/O SRI GOPAL TALUKDAR 3) SMT. SARALA TALUKDAR W/O SSRI GOPAL TALUKDAR 4) SMT. DIPA TALUKDAR W/O SRI NIRANJAN TALUKDAR ALL ARE R/O BONGAON P.S. BELSOR DISTT. NALBARI
REPRESENTED BY	SMT. JYOTSHNA TALUKDAR

	<u>AND</u> SMT. RITA MONI DAS
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DATE OF OFFENCE	04/10/2019
DATE OF FIR	11/10/2019
DATE OF CHARGE-SHEET	28/10/2019
DATE OF FRAMING CHARGE	18/11/2021
DATE OF COMMENCEMENT OF EVIDENCE	17/12/2021
DATE ON WHICH JUDGMENT IS RESERVED	28/02/2022
DATE OF JUDGMENT	28/02/2022
DATE OF THE SENTENCING ORDER, IF ANY.	N/A

JUDGMENT

Accused Arup Talukdar, Niranjana Talukdar, Sarala Talukdar and Dipa Talukdar stood trial for offences punishable under sections 498-A/506/34 of the Indian Penal Code, 1860 (the IPC for short).

Material facts of the case as appears from the contents of the First Information Report (FIR for short) are as follows:- that, informant, Dipanita Deka, is the legally married wife of accused Arup Talukdar and that their marriage was performed on 13/02/2018 before the Registrar of Marriages. Co-accused persons are her in-laws. However, after about four to five months of her marriage with above named accused, the accused persons including her husband started torturing her demanding

money and other properties. Finally, on 04/10/2019, above named accused persons kicked her out of the matrimonial home, located at Bongaon under Belsor Police Station (PS for short) and also threatened her with dire consequences if their illicit demands are not fulfilled.

On 11/10/2019, informant named-above lodged a written FIR before the Officer-in-Charge (O/C for short) of Belsor P.S. which was registered and numbered as Belsor P.S. Case No.235/2019 u/s 498-A/506/34 of the IPC. During the course of investigation, the investigating officer (I/O) visited the place of occurrence, recorded statements of witnesses u/s 161 of the Code of Criminal Procedure, 1973 (the Cr.P.C. for short), made a rough sketch map of the place of occurrence and issued notice to the accused persons u/s 41-A of the Cr.P.C. for their appearance.

After completing the investigation, the I/O returned the case in Final Form for prosecution of the accused persons u/s 498-A/506/34 of the IPC.

Court processes were issued and on their appearance the accused were allowed to go on bail. Copies of all relevant documents were furnished to the accused persons. Particulars of the offences u/s 498-A/506/34 of the IPC were read over and explained to the accused persons to which they pleaded not guilty and claimed to be tried.

Prosecution examined one (01) witness and closed evidence. Examination of the accused u/s 313 of the Cr.P.C. was dispensed with as nothing was deposed against them.

Heard arguments advanced by learned Assistant Public Prosecutor and learned defence counsel.

POINTS FOR DETERMINATION

- a) Whether accused Arup Talukdar, Niranjana Talukdar, Sarala Talukdar and Dipa Talukdar, on 04/10/2019 at Bongaon under Belsor P.S., accused Arup Talukdar being the husband of Dipanita Dekka, and the co-accused persons being her in-laws, subjected said Dipanita Dekka to acts of physical cruelty endangering her life, limb and health?
- b) Whether the accused persons, on the same day and place, in furtherance of their common intention committed criminal intimidation by threatening said Dipanita Dekka with dire consequences, thereby, causing her to alarm?
And, thereby the accused are liable to be punished u/s 498-A/506/34 of the IPC.

DISCUSSION, DECISION AND REASONS
THEREON

In order to establish the allegations against the accused persons, prosecution examined Dipanita Deka as PW1 and closed evidence.

PW1, Dipanita Deka, was the informant. Her deposition is as follows:-

“I am the informant. I filed this case against my husband Arup Talukdar and my in-laws. On 10/02/2018 I had an argument with my husband and in-laws on a private issue and on a misunderstanding of fact I filed FIR against them. Ext.1 is the FIR and Ext.1(1) is my signature thereon. Presently, I have no allegations against the accused persons and no objections if the accused are acquitted.

XXXXXXXXXX

Cross-examination declined by defence.”

Above stated narration of facts is all that the prosecution has in its armory against the accused persons. But, even a cursory glance at it demonstrates that the informant, who was also the victim of the occurrence, had not at all incriminated the accused persons of the offences

for which they were prosecuted. It appears from the testimonies tendered by above named witness, that, instant case arose simply out of a misunderstanding on her part and nothing more. In my view, there is not a shred of evidence worth the name against any of the accused persons named above.

In a nutshell, prosecution had failed to prove the allegations against accused Arup Talukdar, Niranjana Talukdar, Sarala Talukdar and Dipa Talukdar for the offences u/s 498-A/506/34 of the IPC beyond all shadow of doubt.

The points for determination are, therefore, decided in the negative.

ORDER

As such, from the observation and discussion done hereinbefore, I arrive at the conclusion that the prosecution had failed to establish the allegations against accused Arup Talukdar, Niranjana Talukdar, Sarala Talukdar and Dipa Talukdar for the offences u/s 498-A/506/34 of the IPC beyond all shadow of doubt. As such, the accused are acquitted of the offences under the sections of law indicated above.

Accused persons be set at liberty forthwith. Bail bonds of the accused persons stands effective for next six

months from today. The accused persons may obtain copy of the judgment but not without payment.

Instant case is disposed of on contest.

Given under my hand and Seal of the Court this 28th day of February, 2022.

Typed and corrected by me and every page bears my signature.

(Kaushik K. Baruah)
Sub-Divisional Judicial
Magistrate (Sadar),
Nalbari.

ACCUSED DETAILS

RANK OF THE ACCUSED	NAME OF ACCUSED	DATE OF ARREST	DATE OF RELEASE ON BAIL	OFFENES CHARGED	ACQUITTED/ CONVICTED	SENTENCE IMPOSED	PERIOD OF DETENTION UNDERGONE DURING TRIAL
A1	ARUP TALUKDAR	N/A	N/A	498-A/506/34 OF THE IPC	ACQUITTED	N/A	NIL
A2	NIRANJAN TALUKDAR	'DO'	'DO'	'DO'	'DO'	'DO'	'DO'
A3	DIPA TALUKDAR	'DO'	'DO'	'DO'	'DO'	'DO'	'DO'
A4	SARALA TALUKDAR	'DO'	'DO'	'DO'	'DO'	'DO'	'DO'

LIST OF
PROSECUTION/PROSECUTION/DEFENCE/COURT
WITNESSES

A. PROSECUTION:-

RANK	NAME	NATURE OF WITNESS
PW1	DIPANITA DEKA	EYE WITNESS

B. DEFENCE WITNESSES, IF ANY:- NONE**C. COURT WITNESSES, IF ANY:- NONE**

LIST OF PROSECUTION/DEFENCE/COURT
EXHIBITS

A. PROSECUTION:-

SL. NO.	EXHIBIT NO.	DESCRIPTION
1	Exhibit 1	F.I.R.
2	Exhibit 1(1)	SIGNATURE OF PW1, DIPANITA DEKA

B. DEFENCE:- NIL

C. COURT EXHIBITS:- NIL

D. MATERIAL OBJECTS:- NIL

(Kaushik K. Baruah)
Sub-Divisional Judicial
Magistrate (Sadar),
Nalbari.