



							section 428 of IPC
A-1	Sri Tankes war Das	04/09/ 2020	14/09 /2020	U/S 420 of IPC	Acquitted	N/A	N/A

## APPENDIX-13

Date of offence	01-09-2020 and prior to that since three years
Date of FIR	03/09/2020
Date of charge-sheet	30/09/2020
Date of framing of charges	26/08/2022
Date of commencement of evidence	09/09/2022
Date on which judgment is reserved	N/A
Date of judgment	09/09/2022
Date of the Sentencing Order, if any	N/A

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

1. The prosecution case sets into motion by filing a FIR by the informant, Smti Pampi Das alleging that she was in love with the accused Sri Tankeswar Das for about 3 years and on the promise of marrying her, the accused continued to establish physical relationship with the informant. On 01-09-2020 over

phone the accused scolded her in filthy language and told her that he is not going to marry her. Hence, informant has lodged this case.

- 2.** The Officer-in-charge, Mukalmua Police station, on receipt of the Ejahar registered Mukalmua P.S. Case No. 369/2020, under section 493/40/294 of IPC and endorsed the concerned I/O for investigation. After completion of the investigation, the concerned I/O submitted charge sheet against the accused Sri Tankeswar Das under Section 493/420/294 of IPC.
- 3.** In due course, the accused appeared before the Court and the copies of relevant documents were furnished to him as per section 207 of CrPC. Having found a prima facie case against the accused person, the charge is framed, under Section 420 of IPC against the accused person, which is read over and explained to him vide order dated 26-08-2022, to which he pleaded not guilty and claimed to be tried.
- 4.** The prosecution side examined three (03) witnesses. As per the submission of Ld. Assistant Public Prosecutor, further evidence of prosecution side was closed as the informant/victim of the case does not support the prosecution case.
- 5.** The statement of the accused person under section 313 of Cr.P.C. is dispensed with as there are no incriminating materials found against the accused person. Defence side

examined no witnesses. I have heard the arguments advanced by the Ld. Counsels for both sides.

**6. POINTS FOR DETERMINATION:-**

*(i) Whether the accused Sri Tankeswar Das at Banmaja, under the jurisdiction of Mukalmua P.S. cheated informant, Smti Pampi Das by asking her to establish physical relationship with the accused with a promise to marry her, but later on he refused to marry her and and thereby committed an offence punishable under section 420 of I.P.C?*

**DISCUSSION, DECISION AND REASONS**

**THEREOF:**

- 7.** In the instant case, the prosecution side adduced evidence of three witnesses. The evidence of PW-1, PW-2 and PW-3 reveals that PW-1 is the informant/victim of the case and PW-2 and PW-3 are her parents. According to PW-1, PW-2 and PW-3 the informant/victim already got married to the accused.
- 8. PW-1,** Smti Pompy Das (informant/victim), deposed that she was married to the accused in the month of Jeth last year. Prior to their marriage, she lodged this case against her husband due to misunderstanding. They had a love affair and now they are living happily after their marriage. She does not want to proceed with the case by adducing evidence. During

cross-examination PW-1 deposed that she has no allegation against the accused.

**9.** PW-2, Smti Rina Barman and PW-3, Sri Rajen Barman parents of PW-1 (informant) also deposed that their daughter and the accused got married after lodging this case. Their daughter was in love with the accused and due to some dispute she lodged this case. Now, they are living peacefully.

**10.** From the evidence of PW-1 (informant), PW-2 and PW-3, it is seen that the case was lodged due to misunderstanding before marriage. Presently, the informant/victim (PW-1) is living peacefully along with her husband. There is nothing in the evidence incriminating against the accused person that he has committed an offence under section-420 of IPC.

**11.** Situated thus, in my considered opinion the prosecution side has failed to bring home the guilt of the accused person Under Section 420 of IPC as none of the witnesses have supported the prosecution story.

### **CONCLUSION**

**12.** The prosecution side failed to prove its case that accused has committed an offence u/s 420 of IPC.

### **ORDER**

In the light of aforesaid discussions and reasons, it is seen that the prosecution side failed to prove the guilt of the accused person beyond reasonable doubt.

Accordingly, the accused Sri Tankeswar Das is acquitted from the offence under section 420 of IPC and he is set at liberty forthwith.

The bail bond of the accused person and his surety shall remain in force for a period of 6 months from today as per amended Cr.P.C.

**Given under my hand and seal of this court on this 09<sup>th</sup> day of September, 2022.**

Sri Jayanta Kumar Saikia  
Addl. Chief Judicial Magistrate  
Nalbari

**APPENDIX-14****LIST OF PROSECUTION/ DEFENCE/ COURT WITNESSES****A. Prosecution witness**

<b>RANK</b>	<b>NAME</b>	<b>NATURE OF EVIDENCE</b> (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
PW-1	Smti Pompy Das	Informant/victim
PW-2	Smti Rina Barman	Other witness
PW-3	Sri Rajen Barman	Other witness

**B. Defence witnesses, if any: NOT APPLICABLE**

<b>RANK</b>	<b>NAME</b>	<b>NATURE OF EVIDENCE</b> (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
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**C. Court witnesses, if any: NOT APPLICABLE**

<b>RANK</b>	<b>NAME</b>	<b>NATURE OF EVIDENCE</b> (EYE WITNESS, POLICE
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		WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
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## **LIST OF PROSECUTION/ DEFENCE/ COURT EXHIBITS**

### **A. Prosecution: NOT APPLICABLE**

<b>Sr. No.</b>	<b>Exhibit Number</b>	<b>Description</b>
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### **B. Defence: NOT APPLICABLE**

<b>Sr. No.</b>	<b>Exhibit Number</b>	<b>Description</b>
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### **C. Court Exhibits: NOT APPLICABLE**

<b>Sr. No.</b>	<b>Exhibit Number</b>	<b>Description</b>
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### **D. Material Objects: Not applicable**

<b>Sr. No.</b>	<b>Exhibit Number</b>	<b>Description</b>
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Sri Jayanta Kumar Saikia  
Addl. Chief Judicial Magistrate  
Nalbari