

**IN THE COURT OF CHIEF JUDICIAL MAGISTRATE,
NALBARI**

Present : Imdad Ahmed, Chief Judicial Magistrate, Nalbari.

Date of Judgment – 12/09/2022

Case – PRC no. 591/2021

The case arose out of FIR lodged by informant Smti Labhita Talukdar, registered on 21/03/2020 vide Belsor P.S case no. 74 u/s 498(A)/34 IPC under Nalbari District.

Complainant :	State of Assam Or Name of the complainant (Smti Labhita Talukdar)
Represented by	Mr. D. Talukdar (Ld. APP)
Accused	1. Sri Pankaj Talukdar / A-1, Village – No. 2 Bihampur, PS – Belsor & Dist – Nalbari.
Represented by	Mr. Gautam Barman (Ld. Defence Advocate)

Date of Offence	08/03/2020
Date of FIR	21/03/2020

Date of Charge sheet	31/03/2020 vide Charge sheet no. 36
Date of Framing of Charges	16/07/2022
Date of commencement of evidence	12/09/2022
Date on which judgment is reserved	N/A
Date of Judgment	12/09/2022
Date of the Sentencing Order, if any	N/A

J U D G M E N T

PROSECUTION CASE:

1. The prosecution case in brief as unfolded from the 'ejahar' dated 21/03/2020 filed by the informant Smti Labhita Talukdar is that she was married to FIR named accused Pankaj Talukdar on 15/02/2012 and after marriage, her husband on the instigation of co-accused Debajit Talukdar and Bina Talukdar started demanding dowry from her and assaulted her after consuming liquor. On 08/03/2020 at night, the accused assaulted her after having liquor and told her to leave the house and finding no alternative, she went to her parental house on the morning of 09/03/2020 after which her husband never enquired about her. Thereafter, she went to the house of uncle of accused at Guwahati to discuss the said matter and after knowing about the same, the accused at 12 am at night,

PRC no. 591/2021

brought 8 male persons and 4 female persons to her parental house and scolded her mother Fulmati Talukdar with filthy language. Hence the case.

2. The said 'ejahar' was received and registered as Belsor PS case no. 74/20 u/s 498(A)/34 I.P.C. After completion of investigation charge-sheet no. 36 dated 31/03/2020 was submitted against accused person Sri Pankaj Talukdar u/s 498(A) I.P.C. Copy was furnished to the accused person. Charge u/s 498(A) IPC was framed, read over and explained to the accused person to which the accused pleaded not guilty and claimed to be tried.

3. POINT FOR DETERMINATION

(i) Whether on or after 15/02/2012 and on 08/03/2020, at village No. 2 Bihampur under Nalbari PS, the accused being the husband of the informant Labhita Talukdar subjected her to cruelty which was of such a nature as to cause grave injury to her life or limb and coerced her to meet unlawful dowry demand and thereby committed an offence punishable u/s 498(A) I.P.C?

4. DECISION AND REASONS THEREOF:

The prosecution examined the informant/victim as PW-1. The defence declined to adduce any evidence. Finding no incriminating materials, the statement in defence of the accused person u/s 313 Cr.P.C was dispensed with. I have heard the argument advanced by learned counsel of both the

sides and also perused the evidence available on record, my findings with reasons are as follows –

5. PW-1, Labhita Talukdar who is the informant/victim deposed that accused person is her husband. Her marriage was solemnized with the accused in the year 2012 and due to some matrimonial differences with her husband; she filed this case against him. PW-1 stated that she has settled the matter amicably with the accused and they have been living separately since such settlement and hence she does not want to proceed with this case.

6. This is a case under Section 498(A) IPC, where PW-1 who is the informant/victim of this case stated in her evidence that she has settled the matter amicably with the accused and both she and her husband have been living separately since such settlement and hence she does not want to proceed with this case.

7. PW-1 being the main witness did not support her own case and she did not state anything incriminating against the accused person and as such the guilt of the accused person could not be established by the prosecution. Hence, the accused person is hereby declared not guilty of the offence u/s 498(A) of the Indian Penal Code.

8. The accused person namely Sri Pankaj Talukdar is hereby acquitted of the charge u/s 498(A) IPC. Bail bond is extended till the expiry of six months from today.

PRC no. 591/2021

9. Judgment is pronounced in open court. Case is disposed of on contest.

10. Given under my hand and seal of this court on this 12th day of September, 2022.

Chief Judicial Magistrate
Nalbari

Accused Details

Ran k of the accu sed	Name of accused	Date of Arrest	Date of release on bail	Off enc es cha rge d wit h	Wheth er Acquitt ed or convict ed	Se nte nc e Im po se d	Period of Detention Undergon e during Trial for purpose of Sec. 428 Cr.P.C
A-1	Pankaj Talukdar	Notice issued on 22/03/2020	Notice issued on 22/03/2020	498 (A) IPC	Acquitt ed	N/ A	N/A

Chief Judicial Magistrate
Nalbari

List of Prosecution / Defence / Court Witnesses

A. Prosecution:

Rank	Name	Nature of Evidence (Eye Witness, Police Witness, Expert Witness, Medical Witness, Panch Witness, Other witness)
PW-1	Labhita Talukdar	Informant/victim

B. Defence Witnesses, if any:

Rank	Name	Nature of evidence (Eye Witness, Police Witness, Expert Witness, Medical Witness, Panch Witness, Other witness)
Nil		

C. Court Witnesses, if any:

Rank	Name	Nature of evidence (Eye Witness, Police Witness, Expert Witness, Medical Witness, Panch Witness, Other witness)
Nil		

Chief Judicial Magistrate

Nalbari

PRC no. 591/2021

LIST OF PROSECUTION / DEFENCE / COURT EXHIBITS

A. Prosecution:

Sr. No.	Exhibit number	Description
1	Exhibit P-1 / PW-1	Ejahaar
2	Exhibit P-1(1) / PW-1	Signature of informant

B. Defence:

Sr. No.	Exhibit Number	Description
Nil		

C. Court Exhibits:

Sr. No.	Exhibit Number	Description
Nil		

D. Material Objects:

Sr. No.	Exhibit Number	Description
Nil		

Chief Judicial Magistrate
Nalbari