

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

Present : Imdad Ahmed, Chief Judicial Magistrate, Nalbari.

Date of Judgment – 27/09/2022

Case – PRC no. 615/2021

The case arose out of FIR lodged by informant Smti Majani Das, registered on 12/03/2020 vide Belsor P.S case no. 66 u/s 498(A)/323/506 IPC under Nalbari District.

Complainant :	State of Assam Or Name of the complainant (Smti Majani Das)
Represented by	Mr. D. Talukdar (Ld. APP)
Accused	1. Sri Ranjan Das / A-1, S/o – Sri Dharani Das, Village – Solmara, PS - Belsor & Dist – Nalbari.
Represented by	Mr. Phanidhar Rajbongshi (Ld. Defence Advocate)

Date of Offence	10/03/2020, 11/03/2020
Date of FIR	12/03/2020
Date of Charge sheet	31/03/2020 vide Charge sheet no. 35
Date of Framing of Charges	05/09/2022
Date of commencement of evidence	27/09/2022
Date on which judgment is reserved	N/A
Date of Judgment	27/09/2022
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 11/03/2020 filed by the informant Smti Majani Das is that her marriage with the FIR named accused no. 1, Sri Ranjan Das was solemnized around 8 years ago and out of their wedlock she gave birth to one boy and one girl child. But after marriage her husband on the instigation of her mother in law started torturing her mentally and physically in demand of dowry and on 10/03/20 and 11/03/20, the accused persons assaulted her and threatened her when she informed them that one gold jewelry which she received at the time of her marriage was missing from the showcase of their house. Hence the case.

2. The said 'ejahar' was received vide Solmara O.P GDE no. 139 dated 11/03/2020 and later registered as Belsor PS case no. 66/20 u/s 498(A)/323/506 I.P.C. After completion of investigation charge-sheet no. 35 dated 31/03/2020 was submitted against accused Sri Ranjan Das u/s 498(A)/323 I.P.C. Copy was furnished to the accused person. Charge u/s 498(A)/323 IPC was framed, read over and explained to the accused person to which the accused pleaded not guilty and claimed to be tried.

### **3. POINTS FOR DETERMINATION**

(i) Whether the accused after marriage with the informant and on 10/03/20 & 11/03/20 at village Solmara (Ghilajari) under Belsor P.S, subjected his wife / informant Majani Das to cruelty which was of such a nature as to cause grave injury to her life or limb to meet unlawful dowry demand and thereby committed an offence punishable u/s 498(A) I.P.C?

(ii) Whether the accused on the aforesaid date, time and place voluntarily caused hurt to the informant Majani Das and thereby committed an offence punishable u/s 323 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, Majani Das who is the informant cum victim of this case deposed that accused is her husband and due to some domestic matter, a verbal altercation took place between her and her husband and out of anger she filed this case. PW-1 deposed that later she has amicably settled the matter with her husband and she does not want to proceed further with this case. PW-1 deposed that she does not have any objection if the accused is acquitted in this case. Exhibit P-1 / PW-1 is the FIR and Exhibit P-1(1) / PW-1 is her signature.

6. This is a case under Section 498(A)/323 IPC, where PW-1 who is the informant/victim of this case stated in her evidence that out of anger she filed this case against her husband and that she has amicably settled the matter with her husband and she does not want to proceed further with this case and also does not have any objection if the accused is acquitted. Now, 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)/323 of the Indian Penal Code.

7. Considering the nature of evidence adduced by the prosecution, the accused Sri Ranjan Das is hereby acquitted

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from the charges u/s 498(A)/323 I.P.C. Bail bond is extended till the expiry of six months from today.

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

9. Given under my hand and seal of this court on this 27<sup>th</sup> day of September, 2022.

Chief Judicial Magistrate  
Nalbari

**Accused Details**

Rank of the accused	Name of accused	Date of Arrest	Date of release on bail	Offences charged with	Whether Acquitted or convicted	Sentence Imposed	Period of Detention Undergone during Trial for purpose of Sec. 428 Cr.P.C
A-1	Sri Ranjan Das	Police notice was served	Police notice was served	498 (A)/323 IPC	Acquitted	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	Majani Das	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

**LIST OF PROSECUTION / DEFENCE / COURT EXHIBITS**

A. Prosecution:

Sr. No.	Exhibit number	Description
1.	Exhibit P-1 / PW-1	Ejahar
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