

DISTRICT: MORIGAON

IN THE COURT OF ADDL. CHIEF JUDL.MAGISTRATE,

MORIGAON::::::::::ASSAM.

GR Case No. 1034 of 2015

U/S 498(A) of IPC.

PROSECUTOR: STATE OF ASSAM

-VS.-

ACCUSED: SRI PABAN SARKAR

Present : Smti. S. Acharyya, AJS,  
Addl. Chief Judicial Magistrate,  
Morigaon.

**APPEARANCE:**

For the State : Mr. P. Hazarika, Ld. Addl. Public Prosecutor.  
For the accused person : Mr. P. R. Mazumdar, Learned Advocate.  
Charge framed on : 21.12.2016  
Evidence recorded on : 15.03.2018 & 08.11.2019.  
Argument heard on : 08.11.2019.  
Judgment delivered on : 08.11.2019.

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

**1.** The prosecution case in brief is that the informant Smti. Rongmala Sarkar lodged a complaint petition stating inter alia that she got married to the accused person Sri Paban Sarkar at about 3 years back. The accused person has been inflicting physical and mental torture upon her since her marriage demanding dowry of Rs. 1,00,000/- and finally on 17.03.2015, she was assaulted and driven out from her matrimonial house. Hence the case. The complaint petition was forwarded to Bhuragaon PS for investigation and registration.

**2.** On receipt of the 'ejahar' at the police station, the same was registered as Bhuragaon P.S. Case No. 90/2015 and the matter was

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investigated upon.

**3.** After completion of investigation police filed a charge-sheet against the accused person Sri Paban Sarkar under section 498(A) IPC.

**4.** On appearance of the accused person, he was allowed to go on bail. Relevant documents of the case were furnished to him. Upon perusal of materials on record and after hearing both sides, charge under section 498(A) IPC has been framed, read over and explained to the accused person to which he pleaded not guilty and claimed to be tried.

**5.** The prosecution in support of its case examined three witnesses. Whereas, the defence side has not examined any witness in support of its defence.

**6.** The examination under section 313 Cr.P.C. of the accused person is dispensed with as found not necessary.

**7.** I have heard the argument advanced by the learned counsels for both sides.

**8.** Upon hearing and on perusal of the record I have framed the following point for determination:

(i) Whether the accused person, being the husband of Sri Rongmala Sarkar at No.1 Borpathar village under PS Bhuragaon and Dist.-Morigaon subjected her to cruelty since her marriage by inflicting physical and mental torture upon her demanding dowry and cash amount and thereby committed an offense punishable U/S 498(A) of IPC?

**DISCUSSION, DECISIONS AND REASONS FOR THE DECISIONS:**

**9.** PW1 Sri Ajoy Mandal and PW2 Sri Nagen Sarkar inter alia deposed that informant Rongmala and accused Paban had love affair, their marriage was not performed. Rongmala married another person. PW3 Smti. Rongmala Sarkar, who is the informant cum victim inter alia deposed that she does not want to proceed with the case and presently she has no allegation against the accused person and she has no objection, if the accused person is acquitted.

**10.** I have carefully gone through the evidence on record. From the

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evidence it appears that PW3, who is the informant cum victim has not supported the prosecution case, as stated in the ejahar. In the result, there is no incriminating evidence against the accused person.

**11.** In view of above discussion, the accused Sri Paban Sarkar is acquitted of charge U/S 498(A) of IPC and set at liberty forthwith.

**12.** Bail bond shall remain in force for next six months.

**13.** The case is disposed of on contest.

**14.** Given under my hand and seal, today, the 8<sup>th</sup> day of November, 2019.

Dictated and corrected  
by me.

S. ACHARYYA  
Addl Chief Judicial Magistrate  
Morigaon.

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Addl Chief Judicial Magistrate  
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Dictation taken and  
transcribed be me.

Computer Typist.

APPENDIX:

Prosecution witness:

PW1- Sri Ajoy Mandal

PW2- Sri Nagen Sarkar

PW3- Smti. Rongmala Sarkar

Prosecution exhibits:

Nil

Defence witness:

Nil.

Defence exhibit:

Nil.

Dictated and corrected  
by me.

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Addl Chief Judicial Magistrate  
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