

DISTRICT: MORIGAON

IN THE COURT OF ADDL. CHIEF JUDL.MAGISTRATE,

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

GR Case No. 1116 of 2016

U/S 494 of IPC.

PROSECUTOR: STATE OF ASSAM

-VS.-

ACCUSED: SRI BIDHAN RANJAN DAS

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

**APPEARANCE:**

For the State : Mr. N. A. Choudhury, Ld. Addl. Public Prosecutor.  
For the accused person : Mr. S. Chouhan, Learned Advocate.  
Charge framed on : 29.05.2019  
Evidence recorded on : 25.06.2019.  
Argument heard on : 25.06.2019.  
Judgment delivered on : 25.06.2019.

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

1. The prosecution case in brief is that the informant Smti. Bina Mazumdar lodged a complaint in the court stating inter alia that she married to the accused Bidhan Ranjan Das at about 8 years ago and out of their wedlock one male child was born. That on 11.05.2016, the accused person married another lady. Hence the case. The complaint petition was forwarded to Jagiroad PS for investigation.

2. On receipt of the 'ejahar' at the police station, the same was registered as Jagiroad P.S. Case No. 206/2016 and the matter was investigated upon.

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3. After completion of investigation police filed a charge-sheet against the accused person Sri Bidhan Ranjan Das under section 494 of 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 494 IPC has been framed in writing, 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 one witness. 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, at Nellie under PS Jagiroad in District of Morigaon, on 11.4.2016, married again another lady during the subsistence of the marriage between him and Smti. Bina Mazumdar and thereby committed an offense punishable U/S 494 of IPC?

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

9. PW1 Smti. Bina Mazumdar Das, who is the informant cum victim inter alia deposed that she instituted this case because of misunderstanding and presently she has no allegation against the accused person and she has no objection, if the accused person is acquitted. She exhibited the ejahar as Ext.1 and her signatures as Ext.1(1) and Ext.1(2).

10. I have carefully gone through the evidence on record. From the evidence it appears that PW1, 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 Bidhan Ranjan Das

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is acquitted of charge U/S 494 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 25<sup>th</sup> day of June, 2019.

Dictated and corrected  
by me.

S. ACHARYYA  
Addl Chief Judicial Magistrate  
Morigaon.

S. ACHARYYA  
Addl Chief Judicial Magistrate  
Morigaon.

Dictation taken and  
transcribed be me.

Computer Typist.

APPENDIX:

Prosecution witness:

PW1 - Smti. Bina Mazumdar Das.

Prosecution exhibits:

Ext.1- Ejahar.

Defence witness:

Nil.

Defence exhibit:

Nil.

Dictated and corrected  
by me.

S. ACHARYYA  
Addl Chief Judicial Magistrate  
Morigaon.

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Addl Chief Judicial Magistrate  
Morigaon.

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