

DISTRICT: TINSUKIA

**IN THE COURT OF THE JUDICIAL MAGISTRATE 1<sup>ST</sup> CLASS, TINSUKIA**

**PRC NO: 476/18**

**u/s 498A, 323 IPC**

State

- V -

Sri. Sattya Ghatowar

.....Accused

**PRESENT:** SRI. NAVNEET KASHYAP, LLM

JUDICIAL MAGISTRATE 1<sup>ST</sup> CLASS, TINSUKIA

**ADVOCATE FOR THE STATE:** Ld. Addl. PP Sri P.K. Sharma

**ADVOCATE FOR THE ACCUSED:** Ld. Adv. Sri. Bappi Deb

**CHARGE FRAMED ON:** 23/04/2019

**EVIDENCE RECORDED ON:** 18/07/2019

**ARGUMENT HEARD ON:** 18/07/2019

**JUDGMENT DELIVERED ON:** 18/07/2019

**JUDGEMENT AND ORDER**

- 1) The prosecution case in brief is that on 28/05/2018 an Ejahar was lodged by Smti. Mamoni Ghatowar stating therein on 27/05/2018 at about 7 am her husband Sri. Sattya Ghatowar started to torture her mentally and physically. Hence this case
- 2) On receipt of Ejahar the O.C. Do0omdooma P.S. registered a case under Doomdooma P.S. Case no. 136/18 and after completion of usual investigation submitted charge-sheet against the accused person Sri Sattya Ghatowar u/s 498 A of IPC before the Ld.

Chief Judicial Magistrate, Tinsukia. Subsequently the case was transferred to my court by the Ld. Chief Judicial Magistrate, Tinsukia for disposal.

- 3) On 23/04/2019 the accused Sri. Sattya Ghatowar appeared and charges u/s 498 A, 323 of IPC were framed, read over and explained to the accused which he pleaded not guilty.
- 4) The prosecution side has examined the informant. The statement of accused u/s 313 CrPC is recorded. Defence declined to adduce evidence.
- 5) I have heard the arguments of both sides and perused the record.

**POINTS FOR DETERMINATION:**

Whether the accused Sri. Sattya Ghatowar on 27/02/2018 at about 7 am at Longswal under Doomdooma police station, being the husband of Smti. Mamoni Ghatowar subjected her to torture and cruelty, voluntarily caused hurt to Smti. Mamoni Ghatowar and thereby committed an offence u/s 498 A, 323 of IPC?

**DISCUSSION, DECISION AND REASONS THEREOF**

- 6) PW1 is Sri. Mamoni Ghatowar. She has stated that about a year ago she had an altercation with her husband due to some misunderstanding and thereafter she lodged an Ejahar which is EXT 1 and EXT 1(1) is her signature. She has further stated that now she is peacefully living with her husband and does not want to proceed with this case.

In her cross examination PW1 has stated that she has no objection if the accused is acquitted in this case.

- 7) The above are evidence on record.
- 8) From the evidence of all the prosecution witnesses above, it is seen that the informant cum victim has not implicated the accused. Furthermore, PW1 has stated that presently she is living peacefully with the accused and does not want to proceed with the case and has no objection if he is acquitted. Thus, it is seen that the prosecution has failed to prove the case against the accused u/s 498A, 323 of IPC in this case beyond all

reasonable doubts. In the result the accused Sri. Sattya Ghatowar is acquitted from the charges u/s 498 A, 323 of IPC of this case and he is set at liberty forthwith.

**ORDER**

- 9) Consequently, accused Sri. Sattya Ghatowar is acquitted from the charges u/s 498 A, 323 of IPC of this case and he is set at liberty forthwith.
  
- 10) The bail-bond of the accused is extended for a further period of 6 months from today as per provisions of Section 437A, CrPC.

Given under my hand and the seal of this court on this 18<sup>th</sup> Day of July, 2019 at Tinsukia.

(Sri. Navneet Kashyap)  
JMFC, Tinsukia

**APPENDIX**

**(A) PROSECUTION EXHIBITS:**

EXT 1: Ejahar

**(B) DEFENCE EXHIBITS:**

Nil

**(C) PROSECUTION WITNESSES:**

PW1: Smti. Mamoni Ghatowar, Informant/ victim.

**(D) DEFENCE WITNESSES:**

Nil

(Sri. Navneet Kashyap)  
JMFC, Tinsukia

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