

**IN THE COURT OF THE CHIEF JUDICIAL MAGISTRATE : : : :**  
**TINSUKIA**

**Present:**    **Smti Audri Bhattacharyya, A.J.S.**  
                  **Chief Judicial Magistrate,**  
                  **Tinsukia.**

**P.R.C. No. 543/2018**  
Under Section 498(A)/494 IPC

The State of Assam.....Complainant

-Versus-

Sri Dipak Dutta.....Accused person

**Appearance :-**

Sri Jamila Khatoon,  
Ld. Addl. Public Prosecutor.....For the State  
Sri Amit Kumar Yadav  
Advocate.....For the accused

Evidence recorded on       : 28.02.19, 06.06.19.

Date of Argument           : 09.07.19

Date of Judgment           : **09.07.19**

## J U D G M E N T

**1.** The case of the prosecution in brief is that on 12.12.17 the complainant Smti Ranjumoni Dutta lodged an *ejahar* before the Officer-In-charge, Tinsukia Sadar Police Station stating inter alia that her husband Sri Dipak Dutta married another woman named Smti Jyotsna Bora without her consent. After the second marriage, her husband along with his mother Smti Premlata Dutta and his second wife Smti Jyotsna Bora started to torture her both mentally and physically. On 12.12.17 at about 8.00 am, they abused her using filthy language and assaulted her by strangling her neck. As a result the complainant sustained injury. The accused persons also drove her away from their home keeping her two daughters along with them. Hence, she filed this case.

**2.** On receiving the *Ejahaar*, the Officer-In-charge of Tinsukia PS registered a case vide Tinsukia P.S case No. 1552/17 u/s 498(A)/494/34 IPC. The police investigated the case and filed charge sheet against the accused Sri Dipak Dutta u/s 498(A)/494 of IPC. On appearance of the accused person the charge u/s 498(A)/494 IPC was framed, read over and explained to the accused person, to which he pleaded not guilty and claimed to be tried.

**3.** The prosecution examined 1 (One) Pw. i.e. the complainant. The defence was of total denial. Heard the argument and perused the evidences & record carefully.

**Point for determination**

**4.** The following points are considered for determination of this case:

(i) Whether the accused person being the husband of the informant Smti Ranjumoni Dutta treated her with cruelty and harassed her to fulfil demand of dowry and thereby committed an offence punishable under section 498(A) of IPC ?

(ii) Whether the accused person being the husband of the informant Smti Ranjumoni Dutta married another woman Smti Jyotsna Bora during the lifetime of his first wife without her consent and thereby committed an offence punishable under section 494 of IPC ?

**Discussions, Decisions And Reasons Thereof**

**5.** The prosecution adduced the following evidence for establishing their case:

**6.** PW-1, the complainant cum victim Smti Ranjumoni Dutta deposed in her evidence that their marriage was solemnized on 17.05.09. After marriage she started her conjugal life with the accused person at her matrimonial house situated at Ahukhat gaon. Out of their wedlock they had two daughters aged about 8 years and 4 years. About two years back there was some dispute in between her husband and herself regarding one lady known to her husband. As a result, there was a big gap in between herself and her husband. Her husband left her matrimonial home and started residing in a rented house with another lady and she started residing in her matrimonial home along with her two daughters and her parents in laws. As a result, she lodged ejahar in the present case against her husband and her husband also instituted a divorce case against her in the Court of Hon'ble Sessions

Judge. She also instituted one DV Act case bearing CR Case No. 05C/2013. The divorce case bearing no. Title Suit (M) 31/18 was disposed of as per terms of settlement arrived at the mediation centre. According to memorandum of settlement the accused person agreed to pay maintenance @ Rs.8,000/- to her and her two minor daughters. It was also agreed that Sri Dipak Dutta shall perform all duties of a responsible father towards his two daughters till completion of their education and marriage. Hence, considering the terms of agreement arrived at the mediation centre, she did not want to proceed further in the present case. Ext.1 is the ejahar lodged by her and Ext.1(1) is her signature. After lodging ejahar, she was brought before the Learned Court and her statement was recorded u/s 164 Cr.P.C. Ext.2 is her statement before learned Court and Ext.2(1) is her signature.

**7.** Heard the Ld. Counsel for the accused and the Ld. Addl. P.P and also perused the evidence on record carefully. There is no independent witness in the case except the complainant/victim. It is seen from the evidence on record that the instant case was instituted as a result of some dispute in the matrimonial life of the victim and the accused and the victim had amicably settled the matter outside the Court. The complainant, thinking about the future of her two daughters was not interested to proceed further in the case. The prosecution side also failed to prove that there was any demand of dowry in the present case.

**8.** Hence, I find that the prosecution failed to prove the ingredients of section 498(A)/494 IPC against the accused person beyond reasonable doubt and Sri Dipak Dutta is acquitted from offences u/s 498(A)/494 of the IPC, and he is set at liberty forthwith. The bail bond shall stand cancelled after six months.

9. This case is accordingly disposed of.

**Given** under my hand and seal of this Court on the **09<sup>th</sup>** day of **July**, 2019.

Dictated and corrected by

(Audri Bhattacharyya )  
Chief Judicial Magistrate,  
Tinsukia.

(Audri Bhattacharyya )  
Chief Judicial Magistrate,  
Tinsukia.

**APPENDIX**

**PROSECUTION WITNESSES**

P.W1- Smti Ranjumoni Dutta.

**PROSECUTION EXHIBITS:**

Ext.1- Ejahar,

Ext.2- Statement of victim u/s 164 Cr.P.C.

( Smti Audri Bhattacharyya)  
Chief Judicial Magistrate,  
Tinsukia.