

DISTRICT: TINSUKIA

IN THE COURT OF THE JUDICIAL MAGISTRATE 1ST CLASS, TINSUKIA

GR CASE NO: 1764/15
u/s 498A IPC

State

- V -

Sri. Gajen Konwar

.....Accused

PRESENT: SRI. NAVNEET KASHYAP, LLM
JUDICIAL MAGISTRATE 1ST CLASS, TINSUKIA

ADVOCATE FOR THE STATE: Ld. Addl. PP Sri P.K. Sharma
ADVOCATE FOR THE ACCUSED: Ld. Adv. Sri. Rajib Gohain

CHARGE FRAMED ON: 24/06/2019
EVIDENCE RECORDED ON: 12/07/2019
ARGUMENT HEARD ON: 20/07/2019
JUDGMENT DELIVERED ON: 20/07/2019

JUDGEMENT AND ORDER

- 1) The prosecution case in brief is that on 04/08/2015 an Ejahar was lodged by Smti. Bandana Konwar stating therein that after her marriage and on 04/08/2015 at about 7 pm her husband started to torture her mentally and physically and have one child of three years from the marriage. Hence this case.
- 2) On receipt of Ejahar the O.C. Makum P.S. registered a case under Makum P.S. Case no. 239/15 and after completion of usual investigation submitted charge-sheet against the accused person Sri Gajen Konwar 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 24/06/2019 the accused appeared before this court and charge u/s 498 A of IPC was read over and explained to the accused which he pleaded not guilty.
- 4) The prosecution side has examined as many as 1 witness who is the informant cum victim. The statement of accused u/s 313 CrPC is dispensed with.
- 5) I have heard the arguments of both sides and perused the record.

POINTS FOR DETERMINATION:

Whether the accused Gajen Moran on 04/08/2015 at Bishnu Nagar under Makum police station, being the husband of Smti. Bandana Konwar, subjected her to mental and physical cruelty and thereby committed offences u/s 498 A IPC?

DISCUSSION, DECISION AND REASONS THEREOF

- 6) PW2 is Smti. Bandana Konwar Moran. She is the informant cum victim of this case. She has stated that she lodged this case four years ago when she was married to the accused and EXT 1 is her Ejahar while EXT 1 (1) is her signature therein. She has further stated that she has remarried about two years ago and she has no relation with the accused at present. She has also stated that now she wants to live peacefully and do not want to proceed with this case any further.

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 PW1 Smti. Bandana Konwar Moran has not implicated the accused. The informant has further stated that she does not want to proceed with the case and she has no objection if the accused is acquitted in this case.

- 9) Thus, after perusing the evidence on record, I find that prosecution has failed to implicate the accused u/s 498 A of IPC in this case beyond all reasonable doubts. In the result the accused Sri. Gajen Konwar is acquitted from the offences u/s 498 A of IPC of this case and he is set at liberty forthwith.

ORDER

- 10) Consequently, accused Sri. Gajen Konwar is acquitted from the offences u/s 498 A of IPC of this case and he is set at liberty forthwith.
- 11) 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 20th 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. Bandana Konwar Moran, informant cum victim.

(D) DEFENCE WITNESSES:

Nil

(Sri. Navneet Kashyap)
JMFC, Tinsukia
