

G.R. Case No. 131 of 2019

IN THE COURT OF SUB-DIVISIONAL JUDICIAL MAGISTRATE (M),
CHAPAKHOWA, SADIYA,

GR No. 131 of 2019

STATE OF ASSAM

-VS-

SRI SUBHAN SONOWAL, S/O SRI PRAFULLA SONOWAL
ADDRESS: VILL. LAKHIMI PATHAR, PS. SADIYA,
DIST: TINSUKIA (ASSAM)

Under Section 498A of IPC

Present: Debasish Kashyap,
Sub-Divisional Judicial Magistrate (M), Sadiya

FOR THE STATE: Mrs. Sulekha Kar, learned Asstt. PP

FOR THE ACCUSED: Mrs. Tribeni Sonowal, learned defence counsel

CHARGE FRAMED ON: 16/07/2019

EVIDENCE RECORDED ON: 17/07/2019

ARGUMENT HEARD ON: 17/07/2019

JUDGMENT DELIVERED ON: 17/07/2019

JUDGMENT

1. The case of the prosecution is that the complainant Smt. Buli Konwar Sonowal was married with the accused Sri Subhan Sonowal about 13 years ago. But the accused has been mentally and physically assaulting his wife Smti Buli Konwar Sonowal without any reason for last few years and even tried to burn her. On 09.05.2019 at about 7:00pm, her husband threw her out of his house
Dictated and corrected by me
Debasish Kashyap, Sub-Divisional Judicial Magistrate(M), Chapakhowa, Sadiya

G.R. Case No. 131 of 2019

after physically assaulting her. An FIR was lodged by Smti Buli Konwar Sonowal in this regard at Sadiya P.S. which was registered as Sadiya P.S case No. 75/2019 under Section 498A of IPC and S.I, Mamu Marak was entrusted to investigate the case. After investigation, charge-sheet was submitted against the accused under Section 498A of IPC.

2. Accused appeared on receipt of summons and he was allowed to go on bail. Copies of relevant documents are furnished to the accused. After hearing both sides and finding prima facie material, charge under Section 498A of IPC was framed against the accused. The particulars of the said offence was read over and explained to the accused to which he pleaded not guilty and claimed to be tried.

3. Prosecution has adduced evidence of only one witness who is the complainant herself. Considering the nature of evidence adduced by the complainant, prosecution has declined to adduce any further evidence and hence prosecution evidence is closed. Considering the nature of evidence, the examination of the accused under Section 313 of Cr.P.C. is dispensed with. Defence side declined to adduce any evidence and hence defence evidence is closed. I have heard the argument of both the sides.

4. **POINT FOR DETERMINATION:**

Whether the accused since after his marriage with Smt. Buli Konwar Sonowal and particularly on 09.05.2019 subjected said Smt. Buli Konwar Sonowal to cruelty by physically assaulting her at his house at Lakhimi Pathar, P.S. Sadiya, Dist. Tinsukia, Assam and thereby committed an offence punishable under Section 498A of IPC?

DISCUSSION, DECISION AND REASONS THEREFORE:

5. P.W.1 Smt. Smti Buli Konwar Sonowal who is the complainant as well as the sole victim of this case deposed in her evidence in chief that she got married to the accused about 13 years ago and stayed in his house. She has two children with the accused. About 2 months ago, she had some verbal altercation with the accused on some family matter. She got angry and lodged this case on some Dictated and corrected by me
Debasish Kashyap, Sub-Divisional Judicial Magistrate(M), Chapakhowa, Sadiya

G.R. Case No. 131 of 2019

misunderstanding. But the matter is settled now with her husband and she has been staying with him happily. She does not want to proceed with the case anymore. She proved the FIR as Ext.1 and her signature as Ext.1(1). In her cross, she stated that she does not have any objection if the accused is acquitted.

6. From the perusal of the evidence, it transpires that the informant who is also the victim of the alleged incident has not supported the prosecution case. No incriminating material can be derived from the evidence of the prosecution against the accused. There is no evidence from the prosecution to bring home the charge under Section 498A of IPC against the accused. Therefore, there is no difficulty in holding that prosecution has miserably failed to bring out any materials against the accused through its evidence.

7. Therefore, considering all the aspect including the circumstances of the case, I am of the opinion that the prosecution has failed to prove its case under Section 498A of I.P.C. against the accused. Accordingly, the accused Sri Subhan Sonowal is found not guilty and acquitted of the charge under Section 498A of I.P.C. and he is set at liberty forthwith.

8. The bail bond executed by the accused and surety, if any are extended for next six months as per the Provisions of section 437(A) Cr.P.C.

9. Seized articles, if any be returned to the rightful owner as per law.

Case is disposed of on contest.

Judgment is pronounced in open court, in presence of both sides, and given under my hand and seal of this court on this 17th day of July, 2019.

(Debasish Kashyap)

Sub-Divisional Judicial Magistrate (M),
Chapakhowa, Sadiya

Dictated and corrected by me
Debasish Kashyap, Sub-Divisional Judicial Magistrate(M), Chapakhowa, Sadiya

APPENDIX**EXHIBIT OF THE PROSECUTION**

Ext.1.....FIR

Ext.1(1)....Signature of P.W.1 (Complainant)

EXHIBIT OF THE DEFENCE

NONE

MATERIAL EXHIBIT OF THE PROSECUTION

NONE

MATERIAL EXHIBIT OF THE DEFENCE

NONE

PROSECUTION WITNESS

P.W.1: Smti. Buli Konwar Sonowal

DEFENCE WITNESS

NONE

(Debasish Kashyap)
Sub-Divisional Judicial Magistrate (M),
Chapakhowa, Sadiya

Dictated and corrected by me
Debasish Kashyap, Sub-Divisional Judicial Magistrate(M), Chapakhowa, Sadiya