

IN THE COURT OF ADDL. CHIEF JUDICIAL MAGISTRATE: KOKRAJHAR

G.R CASE NO.2366/12

U/S 498(A) of IPC

State

-Vs-

Sri Dilip Mahato

Accused person

PRESENT:- SRI R. KR.TODI, A.J.S

Mr. K.Ch.Saha, Ld.A.P.P for the State.

Mrs. A.Choudhury, Learned Advocate for the accused person.

Date of recording Evidence: - 15.10.14,

Date of hearing Argument:- 15.10.14.

Date of delivery of Judgment:- 15.10.14.

JUDGMENT.

1. Prosecution case inter-alia, is that, marriage between the informant and the accused person took place on 17.3.09 and they lived together as husband and wife in the residence of the accused person for about 2 (two) months. During that period the accused started torturing the informant both mentally and physically demanding cash Rs. 50,000/-. As the informant failed to fulfill his demand she was driven out from the residence of accused on 20.5.09. It is alleged further that the accused also misappropriated cash of Rs. 51,000/- and also kept in his custody all the articles received by him from the informant side in the marriage.

2 On receipt of the aforesaid ejahar Kazigaon P.S case No.59/12 was registered and on completion of investigation charge-sheet was submitted under section 498(A) of IPC against the accused person.

3 On appearance, the accused person was enlarged on bail. Copy was furnished. Formal charge under section 498(A) of IPC was framed, read over and explained to the accused person to which he pleaded not guilty and claimed to be tried.

4. POINT FOR DETERMINATION:

My learned predecessor framed the charge under section 498(A) of IPC as follows:-

Whether, the accused person Dilip Mahato, since after her marriage with Smti. Munni Chauhan, the informant, on 17.3.09, being her husband, subjected her to cruelty and harassed her with a view to coerce her to meet unlawful demand of money and thereby committed offence punishable under section 498(A) of IPC?

5 During trial, prosecution examined only the informant and alleged victim Smti. Munni Chauhan. Examination of accused person under section 313 of Cr.P.C was dispensed with as no incriminating evidence came forth against him. Heard arguments.

6. DISCUSSION DECISION AND REASONS THEREOF:

Only P.W1 Smti. Munni Chauhan deposed that she married accused Dilip Mahato in the year 2009 and started her conjugal life

with the accused in his house. She also deposed that the accused had no parents. She also deposed that after marriage their took place some altercation and difference of opinion between them on some domestic affairs and there was disturbance in the family because of financial crisis. She also deposed that being dissatisfied with all these problems she sometimes voluntarily left the house of the accused and went to the house of her parents. She also deposed that presently she is living peacefully with the accused in his house and she did not want to continue with the case.

In her cross-examination, she admitted that she had no idea as to what was written in the ejahar and who wrote the same.

7. From the aforesaid peace of evidence of the informant –cum-alleged victim Smti. Munni Chauhan it appears that she nowhere uttered anything regarding any torture allegedly caused to her by the accused demanding money. She totally contradicted her statement of ejahar wherein she alleged that the accused used to torture her demanding money. As there is no evidence at all to the effect that accused subjected the informant to cruelty raising any legal demand of money or harassed her with a view to coerce her to fulfill any illegal demand of money, it can be concluded that prosecution could not establish charge under section 498(A) of IPC against the accused person at all and as such the accused is entitled to be acquitted from charge under section 498(A) of IPC and he is accordingly acquitted from charge thereof and set at his liberty forthwith.

8. Judgment is pronounced.
The case is disposed of.

Given under my hand and seal of this court, this 15th Day of Oct'2014 at Kokrajhar.

Dictated and corrected
By me

R. Kr. Todi
Addl. Chief Judicial Magistrate,
Kokrajhar

Addl.C.J.M, Kokrajhar

