

IN THE COURT OF ADDL. CHIEF JUDICIAL MAGISTRATE: KOKRAJHAR

G.R CASE NO.336/13

U/S 498(A) of IPC

State

-Vs-

Sri Sanam B. Marak

Accused person

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

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

**Mr,C. Mukherjee, Learned Advocate for the accused person.**

**Date of recording Evidence: - 11.3.14, 7.7.14 and 14.10.14**

**Date of hearing Argument:- 14.10.14.**

**Date of delivery of Judgment:- 14.10.14.**

**JUDGMENT.**

1. Prosecution case in brief, is that, the informant Miss Piyara Bhanu married the accused person about 9 years back as per **Muslim Shariot** and resumed her conjugal life in the house of the accused. It is alleged that after lapse of sometimes of marriage the accused ill-treated the informant demanding money although the informant fulfilled his demand of money by bringing money and giving the same to the accused person. It is alleged further that on 7.3.13 the accused assaulted the informant and drove out her from his house and she took shelter in the house of her parents.

2 On receipt of the aforesaid ejahar Kazigaon P.S case No.22/13 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, since after her marriage with Miss Piyara Bhanu 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 as many as 4(four) witnesses. It is pertinent to note that Miss. Piyara Bhanu could not appear to depose and it was reported that she had married another person and left her village and nobody knew her whereabouts. Accordingly, on the basis of said report her evidence had to be dispensed with. 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:**

P.Ws.1 to 4 deposed almost in the same line stating that they knew the informant and the accused person and that they heard that there took place same quarrel between them but they did not know what was the cause of quarrel. P.W.3 in his cross-examination stated that the accused person was running a shop near his shop. He also stated that the informant Miss. Piyara Bhanu subsequently married another person and thereafter he did not know where she had gone.

7. From the deposition of P.Ws.1 to 4 it appears that there is no material against the accused with regard to the offence under section 498(A) of IPC. There is absolutely know evidence to the effect that the accused ever subjected informant Miss. Piyara Bhanu to cruelty raising any illegal demand of money or harassed her with a view to compel her to bring money from her house.

8. So situated, it can be concluded that prosecution could not establish charge under section 498(A) of IPC at all against the accused person Sri Sanam B. Marak and as such he is acquitted from the charge thereof and set at his liberty forthwith.

9. Judgment is pronounced.

The case is disposed of.

Given under my hand and seal of this court, this 14<sup>th</sup> Day of Oct'2014 at Kokrajhar.

**Dictated and corrected  
By me**

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

**Addl.C.J.M, Kokrajhar**

