

**DISTRICT: NAGOAN
IN THE COURT OF JUDICIAL MAGISTRATE FIRST CLASS, HOJAI**

**GR CASE NO: 12/09
U/S 498(A) IPC**

**PROSECUTOR: STATE OF ASSAM
VERSUS
ACCUSED: NEEL KAMAL SINGHA.**

PRESENT: BISWADEEP BARUAH, JMFC, HOJAI

ASSISTANT PUBLIC PROSECUTOR: SRI. SUNIL DAS

ADVOCATE FOR THE ACCUSED: SRI. P. N. SINGH

EVIDENCE RECORDED ON:

ARGUMENT HEARD ON: 08/03/2017

JUDGMENT DELIVERED ON: 22/03/2017

JUDGMENT

1. The prosecution in this case was launched by the lodging of the ejahar with the Officer in Charge of the Lanka Police Station by the informant Smt. Ranu Devi on 05/01/09 to the effect that she was married to accused Neel Kamal Singha around 7 years prior to the lodging of the ejahar, as per Hindu rites and started to co-habit with the accused as husband and wife and two children were born out of the union. After a few years of marriage, the accused Neel Kamal Singha started physically torturing the informant with an unlawful demand of dowry from her paternal house. On 24/12/08, the accused Neel Kamal Singha drove the informant out of her matrimonial house after assaulting her and since then she has been residing at her parental house.
2. The police upon receipt of the ejahar registered Lanka Police Station case no. 02/2009 u/s 498(A) of IPC and started investigation in the case. After completion of the

investigation the police submitted chargesheet against the accused, Neel Kamal Singha under sec 498(A) of IPC.

3. The accused was called upon to enter trial. Upon hearing and on perusal of record, formal charge under sec 498(A) was framed against the accused which was read over and explained to the accused to which he pleaded not guilty and claimed to be tried.
4. During the trial the informant remained conspicuous by her absence. The informant failed to turn up after repeated process and despite due service of summons. The accused submitted that the informant had married again and had moved out of her current residence. The Ld. A.P.P. stated that no purpose will be served by calling any other witnesses since the Prosecution story would not be strengthened by other witnesses in the absence of the prime victim/informant. Considering the length of the trial and the absence of the witnesses, the Prosecution evidence was then closed. The defense did not adduce any evidence.
5. The statement of defense of the accused u/s 313 Cr.P.C. was discarded with since the accused was not incriminated by the Prosecution Witness.
6. I have heard both the parties. I have heard the learned counsel for the accused persons who submitted that there is no material against the accused; as such the accused needs to be acquitted.
7. Upon hearing and on perusal of record I have formulated the following point for determination-
 - (1) Whether the accused being the husband of the informant, Ruma Devi subjected her to cruelty with repeated physical assaults and unlawful demand of dowry and thereby committed offence punishable under sec 498(A) of IPC?
8. Now let me discuss the materials on record and try to arrive at a definite finding as regards the points for determination.

DISCUSSION, DECISION AND REASONS FOR THE DECISION:

9. During the trial the informant remained conspicuous by her absence. The informant failed to turn up after repeated process and despite due service of summons. The accused submitted that the informant had married again and had moved out of her current residence. The Ld. A.P.P. stated that no purpose will be served by calling any other witnesses since the Prosecution story would not be strengthened by other witnesses in the absence of the prime victim/informant. Considering the length of the trial and the absence of the witnesses, the Prosecution evidence was then closed.

10. DECISION: In light of absence of a single prosecution witness, there was no material to incriminate the accused and hence the points of determination are answered in negative, in favour of the accused.

ORDER

1. In view of the discussions made above and the decision reached therein it is held that the prosecution has failed to prove the charge against the accused person; as such the accused Neel Kamal Singha is held not guilty of the charge under section 498(A) of IPC and acquitted.
2. The case is disposed of accordingly.
3. The bail bonds of the accused stands extended for a period of six months.

Given under my hand and the seal of this court on this the 22nd day of March, 2017 at Hojai.

BiswadeepBaruah,
Judicial Magistrate First Class, Hojai.