

ASKJ040016062024

**IN THE COURT OF CHIEF JUDICIAL MAGISTRATE****SRIBHUMI**

Present: Sri Bidyabrata Acharyya, AJS

Chief Judicial Magistrate, Sribhumi

(Date of Judgment: **30.07.2026**)(Case No. **GR 665/2023; PRC 666/2024**)

(Nilambazar PS Case No. 70/2023)

COMPLAINANT:	STATE OF ASSAM
REPRESENTED BY	Mr. Dilip Kr. Das, Ld. Addl. PP
ACCUSED	BISWAJIT NAMASUDRA
REPRESENTED BY	Mr. Biswajit Chakraborty, Advocate
Date of offence	08.03.2023
Date of FIR	15.03.2023
Date of Charge-Sheet	26.03.2026
Date of Framing of Charge	04.04.2026
Date of commencement of evidence	30.07.2026
Date on which judgment is reserved	---
Date of Judgment	30.07.2026
Date of the Sentencing Order, if any	Nil

Accused Details:

Rank of the Accused	Name of Accused	Date of Arrest	Date Release on Bail	Offences charged with	Whether Acquitted or convicted	Sentence Imposed	Period of Detention Undergone during Trial for purpose of Sec. 428 Cr.P.C
A1	Biswajit Namasudra	Nil	02.03.2026	u/s 498-A IPC	Acquitted	Nil	Nil

J U D G M E N T

1. The prosecution case in brief is that on 10.03.2023, one Swapna Rani Das filed a complaint before this court stating, inter alia, that about 05 years ago, she was married with the accused Biswajit Namasudra. After her marriage, the aforesaid accused along with his other family members started committing physical and mental torture upon her demanding dowry. Hence, the case.

2. On receipt of the complaint petition, the same was forwarded to O/C, Nilambazar PS for registration and investigation. Accordingly, Nilambazar PS Case No. 70/2023 under Sections 498-A/326-B/323/307/34 IPC was registered against the accused Biswajit Namasudra and two others. The

investigation into the case was commenced and after completion of the usual investigation, charge-sheet under Section 498-A IPC was submitted against the accused Biswajit Namasudra only to stand the trial.

3. Trial of the case was commenced. After the appearance of accused, relevant copies were furnished to him. Upon perusal of the Charge Sheet and the documents attached therewith and upon hearing the rival contentions at length, I found that framing the charge under Section 498-A IPC was appropriate in the context of this case. Upon reading over and explaining the contents of the charge under Section 498-A IPC in his vernacular language, accused pleaded not guilty and claimed to be tried.

4. To bring home its charges, prosecution side examined one PW namely, Swapna Rani Das (informant/ victim) as PW1. Considering the nature of evidence adduced by the vital witness like informant/ victim, Ld. Addl. PP prayed for the closure of prosecution evidence. The Court was also convinced that no useful purpose would be served by examining other PWs and as such the prosecution evidence was closed.

5. Accused was not examined under Section 313 Cr.P.C as no incriminating materials were found in the evidence of the PW. Accused declined to adduce defence evidence.
6. Arguments of both the sides were also heard.

POINT FOR DETERMINATION:

7. After the perusal of the Case Record, I have found the following Point to be determined by the Court:

Whether accused Biswajit Namasudra committed physical and mental torture on the victim Swapna Rani Das demanding dowry after her marriage on several occasions and thereby committed an offence punishable under Section 498-A IPC?

DISCUSSION, DECISION & REASONS THEREOF:

8. To determine the aforesaid Point and to reach a judicial decision on the same, let me now adumbrate the evidences on record.

9. PW1 Swapna Rani Das, who is the informant/ victim, stated in her evidence that in the year 2017, she got married to the accused. She was blessed with a son out of her wedlock with the accused. In the year 2023, one day at about 4:00 PM, she had some verbal altercation with the accused regarding family affairs and thereafter, she filed FIR out of anger. Police recorded her statement. Ext. P1/PW1 is her complaint petition and Ext. P1(1)(2)(3)/PW1 are her signatures.

10. During cross examination, PW1 has stated that now the matter has been amicably resolved between them. She does not have any objection if the accused is acquitted in this case. She does not want to proceed with this case. Actually, she filed this case out of misunderstanding.

11. If the above deposition of PW1 is considered, it can be seen that there are no incriminating materials against the accused in the evidence of PW1 and hence, statement of accused under Section 313 Cr.PC was also dispensed with. In the cross examination of PW1, she stated that she does not have any objection if the accused is acquitted in this case as the matter has been amicably resolved between them and now she is residing with the accused as husband and wife. There is not an iota of allegation in the evidence of PW1 to the

effect that the accused committed the offence as alleged. Hence, the point in hand is decided against the prosecution.

12. In view of aforesaid discussion and considerations, it can be safely concluded that Prosecution has not been able to prove that accused committed the offence as alleged. As such, accused Biswajit Namasudra is **acquitted** of the charge labelled against him.

So, accused be set at liberty forthwith.

The bail-bond for accused would remain in force for the next six (6) months in view of Sec. 437-A Cr.P.C.

Given under my hand and seal of this Court on this 30th day of July, 2026, at Sribhumi.

(B. Acharyya)

CJM, Sribhumi

APPENDIX**LIST OF PROSECUTION/DEFENCE/COURT WITNESSES**

A. Prosecution:

RANK	NAME	NATURE OF EVIDENCE
PW1	Swapna Rani Das	Informant/ victim

B. Defence Witness: Nil

C. Court Witness: Nil

LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS

A. Prosecution:

Sl. No.	Exhibit Number	Description
1	Ext. P1/PW1	Complaint petition
2	Ext. P1(1, 2 & 3)/PW1	Signatures on complaint petition

B. Defence Exhibit: Nil

C. Court Exhibit: Nil

D. Medical Objects: Nil

(B. Acharyya)

CJM, Sribhumi