

In the Court of the Chief Judicial Magistrate,
Purba Medinipur, at Tamluk.

Present: **Sri Girijananda Jana,**
Chief Judicial Magistrate
Purba Medinipur at Tamluk.

G.R – 862/2023 (CIS 1815/23)
(Charge U/Sec 498A/34 I.P.C)

(Arising out of Tamluk P.S Case No. 298/23 dt. 21.03.2023 U/Sec
498A/323/325/506/34 I.P.C)

State of West Bengal

.....Prosecution

- Vs -

- 1) Goutam Malik
- 2) Tapan Malik
- 3) Shyamali Malik

..... Accused Persons.

Date of delivery of Judgment: 11.12.2023

This court delivers the following

J U D G E M E N T

Facts of the case in a nutshell is that one Alpana Malik lodged a complaint before the Tamluk Police Station, which was registered as F.I.R and the police proceeded with the investigations into the matter and filed charge sheet against the accused persons.

It was stated in the complaint that the de-facto complainant Alpana Malik raised the allegations against the accused persons that she was married with accused no.1 about 15 years ago as per Hindu rites and customs. The marriage was dowry oriented. After marriage she went to her matrimonial home and lived there as husband and wife. Few days of her marriage, she was happy but thereafter the accused persons abused her with filthy languages and tortured her both physically and mentally due to domestic matter. Due to wedlock they have three sons. Her husband did not take care of her sons and her also. Her husband throttle her by taking liquor. Lastly, on 11.03.2023 at about 02:30, after taking liquor her husband abused her with filthy languages and when she raised protest, the accused persons assaulted her by fists and

blows and also by wooden battam. They also tried to throttle her. On hearing hue and cry, the local people came and rescued her.

The cognizance of the alleged offence was taken by the court on the basis of the charge sheet and the case record was transferred to this court for trial and disposal.

This court received the instant case record for trial and on perusal of the materials on record and on hearing the Ld. Advocate of the accused persons as well as the Ld. A.P.P and after finding materials under section 498A/34 of IPC charge was framed against the accused persons and substances of accusation were read over and explained to the accused persons to which they pleaded not guilty and claimed to be tried.

Examination of the accused U/Sec 313 Cr.P.C was dispensed with as there was no incriminating material against any of the accused persons in the evidences.

POINTS FOR DETERMINATION

- 1) Whether the prosecution has been able to prove the accusations against the accused persons or not ?
- 2) Whether the accused persons are liable to be punished u/sec. 498A/34 of IPC ?

DECISION WITH REASONS

During the evidence the defacto complainant herself deposed as PW-1 and proved his written complainant as exhibit-1. During the deposition defacto complainant proved its complaint but did not say anything in details about the incident. She further stated that her husband used to consume alcohol and used to inflict upon her and in cross-examination she stated that she cannot recollect the exact date and month of torture and at present she is staying at her matrimonial home with her husband and in-laws. They have settled their dispute amicably and at present she has no grievances against the accused persons. PW-2 also did not support the prosecution case.

After scrutiny of the evidence adduced by the witnesses, it appears that

due to family dispute such complaint was lodged. The defacto complainant during his evidence did not elaborate regarding the alleged torture inflicted upon him. She states that she has no grievance against any of the accused person as they have settled the dispute outside court.

Considering the amicable statement as appears from the record and considering the examination-in-chief as taken on behalf of the prosecution, I find no merit in the case and I find that the prosecution has miserably failed to prove its case charged against the accused u/sec. 498A/34 of IPC and I think the accused deserves acquittal.

Hence, it is,

ORDERED

that the G.R Case No. 862/2023 be and same is hereby disposed of on contest.

The accused persons namely 1) **Goutam Malik**, 2) **Tapan Malik** and 3) **Shyamali Malik** are found not guilty of the offence U/Sec 498A/34 of I.P.C and thus, they are acquitted U/Sec 248(1) Cr.P.C.

Released the accused persons at once and they are hereby released from their respect bail bonds. Surety be discharged at once.

Seized alamats, if any, be disposed as per law.

Note in the T.R.

Dic. & Corr. by me
Sd/-

C.J.M,
Purba Medinipur

Sd/-

Chief Judicial Magistrate,
Purba Medinipur at Tamluk
11.12.2023

