

N THE COURT OF ADDITIONAL CHIEF JUDICIAL MAGISTRATE, 1ST CLASS,

BARUIPUR

Present: Aliva Roy

Additional chief Judicial Magistrate-1st Court,

Baruipur, South 24 Parganas

G.R Case No.- 426/2022

Regt. No. 426/2022

CNR No.WBSPOF0020422022

WB-01005

T.R No. 382/2022

State.....Prosecution

Name of the complainant: Munmun Chowdhury

W/O- Utpal Aguan

15 No Netai Nagar, Green Park,

Kolkata- 700099

Vs

Utpal AguanAccused Person

UNDER SECTION : 498A of I.P.C

Date of Delivery of Judgment :- The 16th day of March, 2023

J U D G M E N T

10 The case gains its first breath from a complaint that was filed before this Court u/s 156 (3) CrPC by the defacto complainant namely Munmun Chowdhury against the accused person named above to the effect that on 07.12.2007 she was married to Utpal Aguan as per Hindu Rites and Ceremonies at Kalighat Temple. During continuation of their conjugal life the complainant many times asked for an issue but the OP refused stating every time that it was not the right time to have a child. On 04.03.2014 they purchased a residential house at Subarna Bihar Apartment and then they started living together at the said flat. After marriage the OP used to return home late at night and used to receive intimate phone calls from different ladies and when she raised protest then the accused used to beat the defacto complainant badly and abused her in filthy languages. On 29.12.2021 the complainant was informed from one of her reliable sources that her husband was going to marry a lady named Arpita Bhattacharya again on 20.01.2022 and for the same the OP has arranged for invitation card. The complainant tried her level best to convince him but the accused person subjected her to mental and physical torture. Hence the case.

The I.O of this case on completion of investigation submitted Charge Sheet under section 498A of IPC against the accused person above named.

Contd.....(2)

(2)

On receipt of the charge sheet, this court took cognizance of the offence and after complying the provisions of section 207 CrPC, the case transferred to the personal file of this court for trial and final disposal.

Accordingly, on consideration of the materials on record and on hearing the Ld. A.P.P and the Ld Counsel for the defence, charge was framed u/s 498A of I.P.C against the accused person. Tthe contents it was read over and explained to the accused person to which he claimed to be “NOT GUILTY” and claimed to be tried and hence the trial.

In support of the prosecution case, prosecution examined one witness and thereafter, further evidence was closed as per the submission of LD. APP.

The witness is as follows:

⑩ PW 1 – Munmun Chowdhury

Thereafter the accused person above named was examined u/s 313 of Cr.P.C, 1973 and on being asked he declined to adduce any evidence in support of his defense.

Thereafter the arguments at length were heard both from the side of the Prosecution as well as from the side of the accused.

The defence case is the denial of the prosecution allegation and there is plea of innocence.

POINTS FOR CONSIDERATION

Whether the accused person have committed the alleged offences or not.

Whether the prosecution has been able to prove the commission of such offences by the accused person beyond reasonable doubt?

DECISION WITH REASONS

P.W-1 deposed that she cannot recollect anything about this case. She deposed that she filed this case due to misunderstanding.

With such state of evidence on record, this court has no hesitation to declare that prosecution has failed to prove the charge against the accused person beyond reasonable doubts. Accordingly, both the points for determination are decided in negative against the prosecution.

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(3)

Hence, it is**ORDERED**

that the accused person namely Utpal Aguan is found not guilty for the commission of the offences punishable under section u/s 498A of the Indian Penal Code and is acquitted from this case as per section 248(1) of the Code of Criminal Procedure and set at liberty at once.

The accused person as well his surety is hereby discharged from his respective bail bond liabilities.

Copy of the Judgment be sent to the District Magistrate, South 24 Parganas as well as Ld. Secretary, District Legal Service Authority, South 24 Parganas so as to intimate the complainant about her right to appeal as well as to apprise her that she can seek legal assistance if she so desires through District Legal Service Authority, South 24 Parganas

Note in TR and CIS.

Dictated and corrected by me

*Sd/- A.Roy
A. C.J.M-I, Baruipur*

A. C.J.M-I, Baruipur