

**IN THE COURT OF JUDICIAL MAGISTRATE,
4th COURT, BARRACKPORE**

Present: Smt. Swati Maulik

Name of the Parties:

State

-Vs-

1. Om Pradkash Shaw

2. Binod Shaw

3. Kajal Shaw

4. Usha Shaw

5. Mani Shaw

6. Mina Shaw

....Accused persons

Ref: GR 7935/2022

U/S- 498A of the Indian Penal Code, 45 of 1860 .

Date of delivery of Judgment: 17.05.2023

JUDGMENT

Prosecution story in a nut-shell:

The accused persons used to torture the petitioner mentally and physically for demand of dowry. They used to use slang language against her on various occasions. Finally, the accused persons snatched jewellerys from the petitioner and turned her out of the house. Thereafter the accused persons never took any news of the complainant. She lodged complaint in local P.S. Hence, this case.

Purports of proceedings:

On the basis of the said complaint Jetia P.S. case was started and the investigation was initiated. During investigation the I.O. has done the needful and on completion of investigation he has submitted charge-sheet of which cognizance was taken and copy served to the accused u/s – 207 Cr.P.C. Thereafter, the case record is transferred to this Court for trial.

The case record was taken up for consideration of charge u/s- 240(1) Cr. P. C. and the charge was framed u/s **498A of the IPC** against the accused persons and the elements of accusation is read over and explained to the accused to which she pleaded ‘not guilty’ and claimed to be tried under the procedure established by law. Hence, the trial began.

D/c was examined as PW1 in this case. Considering the nature of evidence that has come up from the vital witness, the prosecution has stated that he will not

examine any further witness and therefore, PW is closed. The examination of the accused u/s-313 Cr.P.C is dispensed with. On 17.05.2023 the case was fixed for delivery of judgement.

Points for determination:

- (1) If the accused person is guilty of committing offence punishable u/s – **498A of the Indian Penal Code, 45 of 1860** as alleged in the charge-sheet?
- (2) If the prosecution has been able to prove its case?

I have heard the oral argument advanced by both the parties. I have also gone through the evidences available on record. My decision and reasons for my decision are discussed below :-

Decision with reasons:

D/c was examined as PW1. Her signature on the written complaint was marked as exhibit 1. The statement made by the defacto complainant at the time of the deposition does not cover cruelty. An offence u/s 498A is a continuing offence. The defacto could not provide with the details of the allegation. Considering such statement of the witness and the nature of the offence alleged further witness are not examined.

In this case the offences alleged by the complainant could not be proved. No document in support of their contention has been marked exhibit or filed in **498A of the Indian Penal Code, 45 of 1860** is not established against the accused person and the prosecution has failed to prove its case.

Hence, it is,

O R D E R E D

That the present accused persons are found to be not guilty for the offences u/s – **498A of the Indian Penal Code, 45 of 1860** and are hereby acquitted u/s – 248(1) of Cr.P.C. from the aforesaid charges.

The concerned sureties are discharged from their liabilities. Inform the concerned sureties.

The accused persons are released from their bail bond.

Note in the T.R.

***Judicial Magistrate,
4th Court, Barrackpore***

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