

**IN THE COURT OF CHIEF JUDICIAL MAGISTRATE
DARRANG:: MANGALDAI**

**PRESENT : SRI SURAJIT BARUAH, AJS
CHIEF JUDICIAL MAGISTRATE
DARRANG, MANGALDAI**

(Dated: 17/08/2026)

G.R. No.1165/2023 (P.R.C. No. 754/2023)

Sipajhar Police Station Case No. 297/2022,
under Section-498-A/325/354(B)/34 of Indian Penal Code

COMPLAINANT	STATE OF ASSAM
REPRESENTED BY	SRI ANANTA DEKA, LEARNED ADDITIONAL PUBLIC PROSECUTOR
ACCUSED	SRI PANKAJ DEKA SON OF-LATE KIRITI DEKA RESIDENT OF- PITHAKHOWA VILLAGE POLICE STATION- SIPAJHAR DISTRICT-DARRANG, ASSAM
REPRESENTED BY	SRI DWIPEN DEKA, LEARNED DEFENCE COUNSEL

Date of offence	On or before 12/07/2022
Date of FIR	16/07/2022
Date of charge sheet	30/09/2022
Date of framing of charge	21/02/2024
Date of commencement of evidence	04/09/2025, 16/10/2025
Date on which judgment is reserved	17/08/2026
Date of judgment	17/08/2026
Date of the Sentencing Order, if any	N/A

ACCUSED DETAILS:

Rank of the accused	Name of the accused	Date of arrest	Date of 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.
1.	Sri Pankaj Dekha	N/A	22/11/2023	498A/323 of Indian Penal Code	Acquitted	N/A	N/A

J U D G M E N T

- 1.**The informant, Mrs. Bhabapriya Deka, filed a first information report (Herein after referred to as FIR in short) on 16/07/2022 before the Officer-in-Charge (Herein after referred to as O/C in short) of Sipajhar Dalgaon P.S. in short) against her husband, Sri Pankaj Deka and others namely Kailsh Baruah, Chandan Baruah, Subhash Baruah and Upen Baruah alleging that in the year 2009, she got married with accused Pankaj Deka, but since after her marriage, her husband has been torturing her both physically and mentally. It is further stated that her husband was in an illicit relationship with another woman and when she protested the same, then her husband assaulted her. On 12/07/2022 at around 10 PM, the co-accused persons on instigation by her husband, assaulted her with stick and pulled and pushed her by catching her hair, for which she sustained severe injuries on her body. The accused persons also defamed her of having illicit relation with one of their co-villagers Harin Deka. The accused persons also tried to kill her by tied her neck with arope. On 13/07/2022 the accused persons held a public meeting and insulted her there and they forcefully tried to give her marriage with Harin Deka. Thereafter, the accused persons forcefully took her to the police station and assaulted her in the police station.
- 2.**On receipt of the FIR as aforesaid, Sipajhar P.S. Case No. 297/2022, under Section- 498-A/325/354(B)/34 Indian

Penal Code (Herein after referred to as IPC in short) was registered and investigated by the police. On completion of the investigation, the investigating officer (Herein after referred to as I/O in short) submitted charge sheet under Section **498-A/323 IPC** against the accused, **Sri Pankaj Deka**.

3. After submission of the charge sheet, in this case, cognizance of offence under Section 498-A/323 IPC was taken and summons was issued to secure the attendance of the accused in this case. On the appearance of the accused, the accused was allowed to go on bail. Thereafter, necessary copies were furnished to him, and both sides were heard on the point of charge, and finding a prima facie case under Section 498-A/323 IPC, the charge against the accused was accordingly framed. When the contents of the charge were read over and explained to the accused, he pleaded not guilty to the same and claimed to stand trial.
4. During the trial, the prosecution side has examined as many as 2 (two) witnesses. Thereafter, evidence for the side of the prosecution has been closed on the prayer of learned Additional Public Prosecutor.
5. The accused has been examined under Section 313 Cr.P.C. His plea is of complete denial and he has declined to adduce evidence in his defence.

6.I have heard arguments as advanced by the learned Additional Public Prosecutor and the learned Counsel for the defence.

POINT FOR DETERMINATION:-

7.Based on the materials placed before the court and having regard to the nature of the offence for which the accused has been made to face trial in this case, I have found the following point for determination in this case:-

- I. Whether on or before 13/07/2022 at Pithakhowapara village under Sipajhar P.S. the accused as being the husband of the informant, Bhabapriya Deka, tortured her physically and mentally on demand of dowry and thereby committed an offence punishable under Section 498-A IPC?
- II. Whether on or before 12/07/2022 at around 10 PM, at Pithakhowapara village under Sipajhar P.S. the accused voluntarily caused hurt to the informant and thereby committed an offence punishable under Section 323 IPC

DISCUSSION, DECISION AND REASONS THEREOF:-

8.PW1, Bhabapriya is the informant of this case. She has stated in her evidence that the accused person is her husband. In the year 2009, she got married with the accused as per social rites and rituals and she has one male child in this marriage. In the year 2023, she lodged this case. After one year of marriage, she gave birth to her son and since after the birth of her son, the accused

person started to torture her both mentally and physically. The accused person refused to provide any maintenance to her and her son. The accused person suspected her of having an illicit relationship with another person. The accused person used to stay in the "char" for cultivation purpose and he did not come from the "char" to their house. Thereafter, one day the accused drove her out of his house on mere suspicion that he had an illicit relationship and co-habitation with another person. Then she went to her paternal house and after two days she lodged the ejahar against the accused person at the Sipajhar P.S. The police interrogated her and accordingly recorded her statement. Exhibit-P1/PW1 is the ejahar, Exhibit-P1(1)/PW1 is her signature thereon. Exhibit-P2/PW1 is the printed form of ejahar, Exhibit-P2(1)/PW1 is her signature thereon. **During cross-examination** PW1 has stated that she had been staying with the accused person till 2023 since the date of her marriage. Her husband's main occupation is cultivation and they mainly rely upon cultivation for their livelihood. Her husband has his old aged mother. One of their co-villager namely Harin Deka often visited their house. In the year 2023, one day Harin Deka came to their house in absence of her husband and then the nephew of the accused Sri Subhash Baruah and other co-villagers caught Harin Deka on suspicion of having illicit

relationship with her. On the same day in the morning a public meeting was held to discuss about the incident and in the village meeting near about 100 people were present including the village headman and some elderly persons of the village. In that meeting Sri Harin Deka admitted that he had a relationship with her for the last 7-8 years and she also admitted the same fact in the village meeting. Regarding this incident, her husband lodged a case against her and Harin Deka and then police took her and Harin Deka to the police station. On the alleged incident, a case is also pending adjudication against Harin Deka before the court. She filed a case before the court for the recovery of the stridhan properties from the house of the accused person and after recovery of the articles; she started to live with Harin Deka as husband and wife in his house. Before getting married with Harin Deka, she was not legally divorced from the accused person. At present also, she is living in the house of Harin Deka. She has denied the suggestion that she has deposed falsely in her evidence in chief. She has denied the suggestion that she did not state before the police whatever she has deposed before the court. She has denied the suggestion that she kept an illicit relationship with Harin Deka and she lodged this case against the accused person only to harass him after eloping with Harin Deka.

9.PW2, Gitanjali Bania has stated in her evidence that she knows both the informant and the accused person of this case. They are wife and husband in relation. About 15 years ago, they got married and they have one child. She heard that a dispute arose between both the sides, but she does not know the reason of dispute between both the sides. She knows that at present both the sides are not living together. **Cross-examination of PW2** was declined by the defence side.

DISCUSSION, DECISION AND REASONS THEREOF:-

- 10.**The learned Additional Public Prosecutor has verbally submitted before the court that the prosecution evidence is quite sufficient to prove the guilt of the accused person beyond all reasonable doubts. Therefore, it is prayed to convict the accused person under section 498-A of IPC.
- 11.** On the other hand, the learned defence counsel has verbally submitted before the court that the prosecution evidence is quite insufficient to prove the guilt of the accused person beyond all reasonable doubts. There are many contradictions/inconsistencies in the prosecution evidence which create doubt upon the whole prosecution case. It is also the submission of the learned defence counsel that the prosecution has failed to fulfill the criteria to convict the accused persons as required under section 498-A of IPC.
- 12.**It is a cardinal principle of criminal jurisprudence that prosecution has to prove its case beyond all reasonable

doubts by leading reliable, cogent and convincing evidence. Further, it is a settled proposition of criminal law that in order to successfully bring home the guilt of the accused, prosecution has to stand on its own legs and it cannot derive any benefits whatsoever from the weakness, if any, in the defence of the accused. Accused persons are entitled to the benefit of every reasonable doubt in the prosecution story and any such doubt in the prosecution case entitles the accused to acquittal.

13.On being careful perusal and scrutiny of the evidence on record it appears that the informant relying on whose words the instant case was set in motion vide it's "Ezahar" marked as Exhibit P1/PW1, subsequently she herself has showed another picture of her life which has created doubt to the prosecution story.

14.In the "Ezahar" as well as her evidence adduced as P.W.1, she alleged that the since after birth of her son, the accused started to torture her both by mentally and physically. The accused refused to provide any maintenance to her and her son. The accused suspected her of having an illicit relationship with another person. Further, she stated that one day the accused drove her out of his house on mere suspicion that he had an illicit relationship and co-habitation with another person. But, in the cross-examination she admitted that she had such relationship with said Harin Deka. She stated that in the year 2023, one day Harin Deka came to her house in absence of her husband and then the

nephew of the accused Sri Subhash Baruah and other co-villagers caught Harin Deka on suspicion of having illicit relationship with her. She further stated that a village meeting was convened in respect of that matter and Harin Deka admitted that he had a relationship with her for the last 7-8 years. Further she stated that after recovery of the stridhan articles, she started to live with Harin Deka as husband and wife in his house. Before getting married with Harin Deka, she was not legally divorced from the accused person. At present also, she is living in the house of Harin Deka.

15.P.W.2 stated that she heard that a dispute arose between both the sides, but she does not know the reason of dispute between both the sides.

16.For deciding a case under Section 498-A IPC, it is very essential to discuss as to what this section says: Section 498-A of IPC reads as: Husband or relative of husband of a woman subjecting her to cruelty- Whoever, being the husband or the relative of the husband of a woman, subjects such woman to cruelty shall be punished with imprisonment for a term which may extend to three years and shall also be liable to fine. Explanation- For the purpose of this section, "Cruelty" means-

- (a) Any willful conduct which is of such a nature as is likely to drive the woman to commit suicide or to cause grave injury or danger to life, limb or health (whether mental or physical) of the woman; or

- (b) Harassment of the woman where such harassment is with a view to coercing her or any person related to her to meet any unlawful demand for any property or valuable security or is on account of failure by her or any person related to her to meet such demand.

17.After going through the prosecution evidence, it appears that absolutely there are no cogent and convincing evidence from the side of the prosecution and the accused deserved acquittal.

18.Consequently, I arrive at a finding that the prosecution side has miserably failed to establish the only point set for determination for want of evidence.

19.Situated thus, the accused **Sri Pankaj Deka** is not held guilty of charge **under Section 498-A IPC** and he is acquitted accordingly.

20.The bail bond for the accused will be in effect for an additional six months starting today, as required by Section 437A of Cr.P.C., and will thereafter stand cancelled.

21.Given at Mangaldai, Darrang, on **17th day of August, 2026**, under my hand and the seal of this court.

Dictated and corrected by me and
each page bears my signatures.

Chief Judicial Magistrate,
Darrang, Mangaldai.

Chief Judicial Magistrate,
Darrang, Mangaldai.

APPENDIX

LIST OF PROSECUTION/ DEFENCE/ COURT WITNESSES

A. Prosecution

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
PW1	Bhabapriya Deka	Informant
PW2	Gitanjali Bania	Other witness

B. Defence witnesses, if any

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
None	---	---

C. Court witnesses, if any

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
None	---	---

LIST OF PROSECUTION / DEFENCE/ COURT EXHIBITS

A. Prosecution:

Sr. No.	Exhibit number	Description
1.	Exhibit P1/PW1	FIR
2.	Exhibit P1(1)/PW1	Signature
3.	Exhibit P2/PW1	Printed form of FIR
4.	Exhibit P2(1)/PW1	Signature

B. Defence:

Sr. No.	Exhibit number	Description
None	---	---

C. Court exhibits:

Sr. No.	Exhibit number	Description
None	---	---

D. Material objects:

Sr. No.	Exhibit number	Description
None	---	---

Chief Judicial Magistrate,
Darrang, Mangaldai