

**IN THE COURT OF THE JUDICIAL MAGISTRATE FIRST CLASS :**  
**DIBRUGARH**

**PRESENT : Smti. Zohra Yasmin, A.J.S.**

**Judicial Magistrate First Class,**

**Dibrugarh**

Advocate for the Prosecution : Sri. M. Dutta, A.P.P.

Advocate for the accused : Sri. S. Kumar Todi

**G.R. Case No. 1281 of 2021 (P.R.C. No. 838/2021)**

State of Assam

-VS-

Sri. Koushik Gogoi ..... Accused Person

**Under Sections 498(A)/494/506 IPC**

Charges framed on .....25.11.2021.

Evidence recorded on ..... 27.12.2021.

Arguments heard on ..... 27.12.2021.

Judgment delivered on ..... 05.01.2022.

**J U D G M E N T**

- 1) The prosecution story in brief is that on 30.03.2021 an Ejahar was lodged by the informant Smt. Rupa Baruah Gogoi alleging inter alia that she entered into marriage with the accused person on 13.07.2014 and they have a girl child out of their wedlock. Prior to 4-5 months of lodging the ejahar the accused person was having some illicit relationship with another lady named Smt. Nomita Rajkhowa @ Ponky Rajkhowa due to which he started torturing the informant. On 29.03.2021 the accused person eloped with that lady and got married. They also took the vehicle of the informant bearing registration no. AS-06/Z-2554. Hence, the ejahar was lodged by the informant.
  
- 2) On receipt of the Ejahar, Duliajan P.S. Case no. 156/2021, U/S 498(A)/494/506 of the Indian Penal Code was registered. Upon completion of the investigation, the police submitted charge-sheet against the accused person namely, Sri. Koushik Gogoi under sections 498(A)/494/506 of the Indian Penal Code.
  
- 3) Upon receiving summons, the accused person appeared before the court. Upon perusal of the case record and after hearing both the sides on the point of charge and on finding prima facie materials against the accused person Sri. Koushik Gogoi formal charges under Sections 498(A)/294/506 of IPC was framed and explained to him to which he pleaded not guilty and claimed to be tried.

- 4) In support of the case, the prosecution has examined one witness.
- 5) After the prosecution evidence was over, the accused persons was examined under Section 313 Cr.P.C. wherein he has denied the prosecution case and also declined to adduce any defence evidence.
- 6) I have heard the arguments of both sides.
- 7) Considering the materials on record and after hearing the arguments of both sides, the following points are taken as points for determination-

**POINTS FOR DETERMINATION-**

- (i) Whether the accused person Sri. Koushik Gogoi being the husband of the informant Smt. Rupa Baruah Gogoi had subjected her to cruelty both mentally and physically and thereby liable to be punished under Section 498(A) IPC?
- (ii) Whether the accused person, on 29.03.2021 had a wife, namely Smti. Rupa Baruah Gogoi living, having been validly married and that the accused married Smti. Namita Rajkhowa again during the life time of Smti. Rupa Baruah Gogoi, the said second marriage also being duly performed and thereby committed an offence punishable under Section 494 IPC?

- (iii) Whether the accused person had on the same date, time and place criminally intimidate the informant by threatening her with dire consequences and thereby liable to be punished under Section 506 IPC?

**DISCUSSION, DECISION AND REASONS FOR DECISION:**

- 8) Let me discuss the evidence of the prosecution witnesses for arriving at a definite conclusion as regards the points for determination. PW1, Smt. Rupa Baruah Gogoi is the informant as well as the victim in the case. She has deposed in her evidence-in-chief that the accused person is her husband. On the date of occurrence due to some misunderstanding arising out of family matters she lodged the ejahar against the accused person out of anger. But now the matter has been settled between them and both the parties are residing peacefully as husband and wife. The informant and the accused person have a female child. Exhibit 1 is the ejahar and Exhibit 1 (1) is the signature of PW1.
- 9) Cross-examination was declined by the defence side.
- 10) Thus, it appears from the evidence on record that there is nothing incriminating against the accused person for securing his conviction under the section of law brought against him.

11) It is one of the cardinal principle in a criminal case that the prosecution must prove the guilt of the accused beyond all reasonable doubt. In this instant case, the prosecution has not been able to prove the case against the accused person beyond all reasonable doubt under Section 498(A)/294/506 IPC; as such the accused person is acquitted of the charges under Section 498(A)/294/506 IPC and he is set at liberty.

**ORDER**

12) The accused person Sri. Koushik Gogoi is acquitted from the offences under Sections 498(A)/494/506 IPC in this case and he is set at liberty forthwith.

13) The bail bond of the accused persons are extended for six months from today as per the provisions of Section 437A CrPC.

14) The case is disposed of on contest without cost.

Given under my hand and seal of this court on this 5<sup>th</sup> day of January, 2022 at Dibrugarh.

SMTI. ZOHRA YASMIN  
JUDICIAL MAGISTRATE FIRST CLASS, DIBRUGARH

**APPENDIX**

**PROSECUTION WITNESSES:**

- 1) PW1 Smti. Rupa Baruah Gogoi (Informant)

**PROSECUTION EXHIBITS:**

- 1) Exhibit 1- Ejahar
- 2) Exhibit 1(1)- Signature of the informant

**DEFENCE WITNESSES:**

None

**DEFENCE EXHIBITS:**

NIL

SMTI. ZOHRA YASMIN  
JUDICIAL MAGISTRATE FIRST CLASS, DIBRUGARH