

IN THE COURT OF THE SUB-DIVISIONAL JUDICIAL MAGISTRATE,  
BHUBANESWAR

PRESENT:

*Sri D.R. Sahoo, L.L.M.,  
S.D.J.M., Bhubaneswar.*

**G.R. Case No.2417/2006**

**Trial No- 279/2007**

**Date of argument: 24.09.2014**

**Date of Judgment: 29.09.2014**

STATE ..... Prosecution

Versus

1. Sukanta Barik, aged about 33 years, S/o. Late Lingaraj Barik.
2. Apati Barik, aged about 36 years, S/o. Late Lingaraj Barik.
3. Lalita Barik, aged about 58 years, W/o. Lingaraj Barik, All are of Vill- Jogeswar Patna, P.S. Air Field, Dist- Khurda.

.....Accused Persons.

**Offence under Sections 498(A)/ 506 /34of I.P.C and u/s. 4 D.P.Act.**

Counsel for the Prosecution: APP, Bhubaneswar.

Counsel for the defence: Sri B.C. Jena & Advocates.

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

The above named accused persons stand charged for committing the offences punishable 498(A)/ 506 /34of I.P.C and u/s. 4 D.P. Act. of I.P.C and u/s.4 D.P. Act.

2. The case of prosecution, in brief, is as follows:-

The marriage of the informant with the accused Sukanta Barik was solemnized on dtd. 23.06.2004 according to Hindu rituals and customs. During the marriage, Rs.22,000/-, gold ornaments and

various dowry articles were given by the informant's father. After the marriage the accused persons demanded more dowry from the informant. When she failed to fulfill the demand of dowry, they tortured her both physically and mentally and threatened her with dire consequences. Being aggrieved the informant informed the police and after due investigation, Police submitted charge sheet U/s. 498(A)/ 506 /34 of I.P.C and u/s. 4 D.P.Act. of IPC and subsequently charge was framed against the accused to which they plead not guilty and claimed for trial. Hence this trial.

3. The plea of the defence is one of complete denial and false implication.

4. The points for determination in this case are as follows:-

i) *Whether after marriage the accused persons in furtherance of their common intention inflicted cruelty on the informant and thereby committed offence punishable U/s. 498-(A) of IPC?*

ii) *Whether after marriage the accused persons in furtherance of their common intention threatened the informant intend to cause alarm in her mind and thereby committed offence punishable U/s. 506 of IPC?*

iii) *Whether the accused persons have demanded more money from the informant as dowry and thereby committed offence punishable U/s. 4 of D.P. Act.*

5. The informant (P.W.2) had deposed before the Court that the matter has been amicably settled and she is living with her husband. In view of her peaceful life, she does not want to proceed in this case. There is absolutely no evidence on record to hold the accused persons guilty in this case.

6. Taking consideration of the said facts and circumstances as there is no evidence on record against the accused persons, they are found not guilty 498(A)/ 506 /34 of I.P.C and u/s. 4 D.P. Act. of IPC. and they are acquitted there from as per the provision U/s.248 (1) Cr. P.C. They be set at liberty forthwith. Their bail bonds stand cancelled.

The seized articles be returned to the real owner after the expiry appeal period.

Enter the case as a mistake of fact.

S.D.J.M., Bhubaneswar.

Typed to my dictation, corrected by me and pronounced the judgment in the open Court today given under my hand and seal this the 29<sup>th</sup> day of September, 2014.

S.D.J.M., Bhubaneswar.

List of witnesses examined on behalf of the prosecution:

P.W.1: Raj Kishore Barik

P.W.2: Nirupama Barik.

List of witnesses examined on behalf of the defence:

None

List of Exts. marked on behalf of the prosecution:

None

List of Exts. marked on behalf of the defence:

N IL

S.D.J.M., Bhubaneswar.