



The Court of JM 1st Class, Ramgarh
Present Smriti Tripathi
Judicial Magistrate
30th January, 2023
District: Ramgarh
G.R. Case No. 1054/2021
CNR No. JHRG030032632021
(Ramgarh PS Case No. 49/2012)

Informant	State (Through Priti Kumari)
Represented By	<i>Smt. Manju Kachchap, Ld. APP</i>
Accused	1. Rakesh Kumar Gupta s/o late Chhotelal Gupta, male, aged about 35 years [A1] 2. Lalita Devi w/o late Chhotelal Gupta, female, aged about 54 years [A2] 3. Mukesh Kumar Gupta s/o late Chhotelal Gupta, male, aged about 31 years [A3] 4. Amit Kumar Gupta s/o late Chhotelal Gupta, male, aged about 30 years [A4] 5. Rupesh Kumar Gupta s/o late Rameshwar Kumar Gupta, male, aged about 41 years [A5] all r/o Marar, PS Ramgarh, District Ramgarh
Represented By	<i>Sri Ranjan Kumar Sinha, Ld. Adv.</i>

Date(s) of Offence	06.02.2017 to 20.08.2019
Date of FIR	19.02.2021
Date of Chargesheet	28.10.2021
Date of framing of charge	02.07.2022
Date of Commencement of evidence	04.07.2022
Date when Judgment is reserved	30.01.2023
Date of Judgment	30.01.2023
Date of Sentencing Order, if any	N/A

Rank of the Accused	Name of the Accused	Date of Arrest/ Surrender	Date of Release on Bail	Offences charged with	Whether acquitted or convicted	Sentence Imposed	Period of Detention Undergone during Trial for purpose of Section 428, CrPC.
A1	Rakesh Kumar Gupta	31.08.2021	31.08.2021	s. 498A/34, 323/34, 506/34, IPC	Acquitted	None	N/A

A2	Lalita Devi	31.08.2021	31.08.2021	and 3/4 of DP Act s. 498A/34, 323/34, 506/34, IPC and 3/4 of DP Act	Acquitted	None	N/A
A3	Mukesh Kumar Gupta	31.08.2021	31.08.2021	s. 498A, 323/34, 506/34, IPC and 3/4 of DP Act	Acquitted	None	N/A
A4	Amit Kumar Gupta	31.08.2021	31.08.2021	s. 498A, 323/34, 506/34, IPC and 3/4 of DP Act	Acquitted	None	N/A
A5	Rupesh Kumar Gupta	31.08.2021	31.08.2021	s. 498A, 323/34, 506/34, IPC and 3/4 of DP Act	Acquitted	None	N/A

J U D G M E N T

1. The aforementioned accused persons (hereinafter referred to as “**A1 to A5**”) are facing trial for charges framed u/s. 498A/34, 323/34, 506/34 of The Indian Penal Code, 1860 (Hereinafter referred to as the “IPC”) and 3/4 of Dowry Prohibition Act (Hereinafter referred to as the “DP Act”).

PROSECUTION CASE

2. The compendious **case of the prosecution** arises from a complaint filed by Priti Kumari (hereinafter referred to as the “informant”) before the Ld. Chief Judicial Magistrate, Ramgarh which was forwarded by him to the concerned PS for registration of case u/s. 156(3), The Code of Criminal Procedure, 1973 (Hereinafter referred to as the “CrPC”). The complaint was filed against A1, her husband, A2, her mother in law, A3 and A4, her brothers in law, A5, the younger brother of her father in law and her father in law (now deceased).

3. The gist of the informant’s case is that her marriage was solemnized with A1 on 06.02.2017 after a short duration of which, at her matrimonial home, A1-A5 started subjecting her to cruelty verbally as well as physically for bringing more dowry and demanded ₹2 lakhs and a Maruti Car. It is also alleged that A4 attempted to molest her but went away when she started shouting and when she told this to rest of the accused persons,

none of them lent an ear to her. She was then sent by her parent to Gwalior where A1 used to work but there also she was subjected to cruelty and beaten by A1. Later, when A2-A5 all arrived there on account of ill health of A1, and again demanded dowry, the informant expressed her father's inability to give more dowry upon which, her now deceased father in law took her inside a room and tried to molest her. Meanwhile, she became pregnant and was sent to her parent's home at Ramgarh where she gave birth to a girl child. When she went to her matrimonial home, she was subjected to torture for birth of a female child. A2-A5 would instigate A1 to beat the informant. Subsequently, settlement was arrived at between both the sides at Gwalior, but still, after 10 days, A1-A5 resumed their behavior and lastly, she was ousted from her matrimonial home. Thereafter, she went to the police station for registering an FIR but since no action was being taken, she lodged a case before the court, which was sent u/s. 156(3) of CrPC to Ramgarh PS and the instant case was registered.

INVESTIGATION AND TRIAL

4. After Investigation, the I.O submitted **charge-sheet** bearing no. 412/2021 dated 28.10.2021 against A1 to A5 for the offence u/s. 498A/34, 323/34, 506/34 of IPC and s. 3/4 of DP Act and thereafter, **cognizance** was taken under the same sections by the Ld. Chief Judicial Magistrate, Ramgarh on 16.11.2021, and A1-A5 were summoned.

5. After appearance of A1-A5, on 02.07.2022 **charges were framed** u/s. 498A/34, 323/34, 506/34 of IPC and s. 3/4 of DP Act against A1-A5 and the content of the charge was read over to them in simple Hindi to which they pleaded not guilty and claimed to be tried, and the record was advanced for **prosecution evidence** during which the prosecution adduced two witnesses

6. After closing the **prosecution evidence** on 30.01.2023, the statements of A1-A5 were recorded u/s. 313 of CrPC on same day in which they denied the material available against them and claimed to be innocent.

7. Thereafter, the defence was provided with an opportunity to adduce evidence on its behalf, if any but the Id. counsel for the defence submitted that he does not want to adduce any evidence. Upon his prayer, the **defence evidence** was closed and the matter was posted for **arguments**.

ARGUMENTS ADVANCED

8. The prosecution did not argue much in light of lack of material against A1-A5. The defence on the other hand argued that a false case has been lodged and no offence as alleged is made out. It was also submitted that the prosecution has failed to make out any case against A1-A5 as the informant herself has turned hostile. It was also submitted that as

now both the parties have come an understanding to end their marital life mutually, and all the articles given in the informant’s wedding has been returned to her, A1-A5 may be acquitted so that peace may prevail between the parties.

POINTS FOR CONSIDERATION

9. Now, the Court will consider whether the prosecution has been able to substantiate the charges levelled against A1-A5 beyond reasonable doubt or not. On the bedrock of the charges framed, the prosecution case will be examined on the following touchstones for the sake of a more structured analysis:

- 9.1 *Did A1-A5, being the husband and relatives of husband of the informant, shared a common intention and subject her to cruelty with a view to coercing her and her parents to meet their unlawful demand for dowry?*
- 9.2 *Did A1-A5 shared a common intention and caused hurt to the informant?*
- 9.3 *Did A1-A5 shared a common intention and criminally intimidated the informant?*
- 9.4 *Did A1-A5 demand or take dowry from the informant or her parents?*

EVIDENCES

10. Before the court dwells to consider the points of determination as stated above, it would be apt to enlist the evidences brought in this case by all sides for the sake of brevity and proper reference, reference to only the relevant portions of which is made at relevant parts of this judgment, although they have all been perused by this court in detail. They are:

List of Prosecution/Witnesses

A. Prosecution:

Rank	Name	Nature of Evidence
PW01	Ramparvesh Sah	Hostile Witness/Related Witness
PW02	Priti Kumari	Hostile Witness/Interested Witness

B. Defence:

Rank	Name	Nature of Evidence
--- nil ---		

List of Prosecution/Defence/Material Exhibits

A. Prosecution:

Sr. No.	Exhibit Number	Description
1.	P1/PW02	Complaint Petition

B. Defence:

Sr. No.	Exhibit Number	Description
--- nil ---		

B. Material Objects:

Sr. No.	Exhibit Number	Description
--- nil ---		

FINDINGS

11. *Did A1-A5, being the husband and relatives of husband of the informant, shared a common intention and subject her to cruelty with a view to coercing her and her parents to meet their unlawful demand for dowry?; Did A1-A5 shared a common intention and caused hurt to the informant?; Did A1-A5 shared a common intention and criminally intimidated the informant?; Did A1-A5 demand or take dowry from the informant or her parents?*

11.1 The prosecution has only produced two witnesses who are the informant and her father. PW02 has completely turned hostile whereas PW01 has turned hostile on the point of demand of dowry. PW01 has deposed that A1-A5 used to hit the informant. But in his cross examination he has stated that they neither demanded dowry nor ever trouble the informant. PW02 has deposed that when she found out about the illness of her husband, concealing which he married her, she filed this case. Apart from these, no other witness or substantial material on the points being considered have been brought on record. it has been deposed by both the witnesses however, that they have received all the articles they gave during the wedding.

11.2 The prosecution has thus, not been able to shift the burden of proof as it could not prove any of the charges for which A1-A5 stand tried.

ORDERED

12. Regard being had to the material discussed in paragraph no. 11 of this judgment, this court is of the considered opinion that the prosecution case is shorn of even a single piece of evidence pointing towards the guilt of any of A1-A5. Thus, this court is of the considered opinion that the prosecution has completely failed to substantiate the charges u/s. 498A/34,

323/34, 506/34 of IPC and 3/4 of DP Act. Hence, A1, A2, A3, A4 and A5 are all hereby **acquitted** of all the charges in this case. All five of them as well as their respective bailors stand discharged from the liabilities of their respective bail bonds.

(Dictated and corrected)

Pronounced by me in open court

Sd/-

(Smriti Tripathi)

JO Code: JH02021

JM 1st Class, Ramgarh

Ramgarh, dated the 30th January, 2023

Sd/-

(Smriti Tripathi)

JO Code: JH02021

JM 1st Class, Ramgarh

Ramgarh, dated the 30th January, 2023