

FORM A IN THE COURT OF JUDICIAL MAGISTRATE, 5th COURT, BURDWAN District :Purba Bardhaman Present: Smt. Passang Lamu Sherpa. (J.O. Code- WB01396) Date of Judgement: 17th July, 2026 GR Case No.- 1712/19 CIS Registration No. 1172 of 2021 CNR No. WBBD02-005983-2021 In connection with Jamalpur PS Case No- 133/19 dated-03.05.2019 under sections 498A/406/506/34 of the IPC . STATE OF WEST BENGAL Complainant - V E R S U S - 1. Jayanta Konyar @Koner 2. Asit Konyar@ Koner 3. Uttama Konyar@Koner 4. Asim Konyar@koner Accused persons [Date of the Final Order/Judgment: 17.07.2026]	
COMPLAINANT	State of West Bengal
REPRESENTED BY	Ld. AP.P
ACCUSED	Jayanta Konyar@Koner, Asit Konyar @Koner, Uttama Konyar@Koner and Asim knoyar @Koner
REPRESENTED BY	Ld. Advocate for the accused

FORM B

Date of offence/act	Continuing offence since after marriage, specific offence on 01.07.2018
Date of FIR	03.05.2019
Date of Charge-sheet/Final Report	30.10.2019
Date of framing of charge	17.07.2026
Date of commencement of trial/inquiry	17.07.2026
Date on which Judgment/Final order is reserved	---
Date of the Judgment/Final Order	17.07.2026
Date of the sentencing order, if any	Acquitted

Accused details:

Rank of the accused	Name of the accused	Date of Apprehension / Production	Date of release on bail	Offences charged with	Whether acquitted or convicted	Sentence Imposed	Period detention undergone during trial for purpose of section428Cr. P.C
1	Jayanta Konyar@Koner	09.09.2019	11.09.2019	498A/406/506/34 of the IPC	Acquitted	N.A.	N.A
2	Asit Konyar@Koner	09.09.2019	11.09.2019	498A/406/506/34 of the IPC	Acquitted	N.A.	N.A
3	Uttama Konyar@Koner	Surrendered voluntarily on 30.09.2019	30.09.2019	498A/406/506/34 of the IPC	Acquitted	N.A.	N.A

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4	Asim Konyar@ Koner	09.09.2019	11.09.20 19	498A/ 406/506/34 of the IPC	Acquitte d	N.A.	N.A
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FORM C
LIST OF PROSECUTION /DEFENCE/COURT WITNESSES

A. Prosecution:

Rank	Name	Nature of Evidence (Eye witness, Police witness, Medical witness, Panch Witness, Other witness)
1	Anushree Konyar	Defacto Complainant
2	Anima Nandi	Witness
3	Ashok Nandi	Witness

B. Defence witness, if any: No defence witness adduced.

Rank	Name	Nature of Evidence (Eye witness, Police witness, Medical witness, Panch Witness, Other witness)
NIL	NIL	NIL

C. Court witnesses, if any: No Court witness adduced.

Rank	Name	Nature of Evidence (Eye witness, Police witness, Medical witness, Panch Witness, Other witness)
NIL	NIL	NIL

LIST OF PROSECUTION /DEFENCE/COURT EXHIBITS

A. Prosecution:

SL. No.	Exhibit number	Description
1	Exbihit P1 series	Signatures of PW1 upon the written complaint

B. Defence: No defence witness

SL. No.	Exhibit number	Description
NIL	NIL	NIL

C. Court Exhibits:

SL. No.	Exhibit number	Description
NIL	NIL	NIL

D. Material Objections:

SL. No.	Exhibit number	Description
NIL	NIL	NIL

J U D G E M E N T

Facts of the case

1. This is a case under section 498A/406/506/34 of the Indian Penal Code.

2. The factual matrix of the case is that the complainant was married to Jayanta Koner on 8th falgun 1423 Bengali year according to Hindu rites and customs. At the time of marriage the petitioner’s parents had provided a cash of Rs 40,000/, 3 bhories of gold ornaments and other house hold articles as per the demand of the accused and his family members. However, a few days after marriage, the accused persons allegedly started subjecting her to mental and physical torture and demanded money from her parental home. It has further been alleged that during her pregnancy the accused persons pressurized her to bring more money from her parental home. As the complainant expressed her inability to fulfill such demand, the accused persons allegedly assaulted her and tried to kill her on 01.07.2018. Hence she sought relief before the Court.

3. On the basis of this Court complaint, a specific case was registered by Jamalpur PS vide Jamalpur PS Case 133/19 dt. 03.05.2019 u/s- 498A/406/506/34 of the IPC and submitted the Charge Sheet being no. 304/19 dated 30.10.2019.

4. The substance of charge was u/s 498A/406/506/34 of the IPC read over and explained to accused persons to which they pleaded not guilty and claimed to be tried on 17.07.2026. The trial began.

5. On completion of evidence of prosecution, accused persons were examined under section 313 of Cr.P.C.

6. Defence declined to adduce any defence evidence.

EVIDENCE ON RECORD

7. Three witnesses were examined as stated above by the prosecution. One document has been admitted in this case from the side of the prosecution.

No defense witness has been examined.

POINTS FOR DECISION

8. i. Whether the prosecution has been able to prove its case against the accused persons beyond reasonable doubt in respect of the charges brought out against them in this case?

ii. Whether the prosecution has been able to prove this proceeding against the accused persons?

DECISION WITH REASONS

9. Both the points are taken up together for the sake of brevity of discussion and deliberation.

10. The defacto complainant/Anushree Koner has been examined as PW-1. She deposed during her examination-in-chief that she had filed this case against her husband Jayanta Konyar and three others. She identified them before the Court. She further stated that she had lodged this case against them, due to misunderstanding and she cannot recall anything about the incident. She further stated that she has no allegation against the accused persons. Through her evidence her signatures upon the written complaint is been marked as exhibit P1 series. During cross examination of PW-1 stated that she cannot recollect the contents of her written complaint and she has no allegation against the accused persons.

11. PW2/Anima Nandi deposed during her examination in chief that her daughter had filed this case against her husband Jayanta Konyar and three others due to misunderstanding. She identified them before the Court. She stated that she cannot recollect anything about the incident. During cross examination she admitted that police did not interrogate her regarding this case.

12. PW3/ Ashok Nandi deposed the complainant is his daughter. She had filed this case against her husband Jayanta Knoer and there others. He identified all of them before the Court. He stated that his daughter had filed this case due to misunderstanding. He cannot recollect anything about the incident. During cross examination he stated that he cannot recollect anything about the incident. He admitted that police did not interrogate him regarding this case.

13. This is all about evidence of this case. Both Ld APP and Defense Counsel put forth their arguments verbally.

14. Now let us see whether the prosecution has been able to prove the case against the accused beyond all reasonable doubt or not. But before that let us first go through the provisions of Law.

15. Section 498A of Indian Penal Code: 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 wilful 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.]

The basic essentials to attract Section 498A are: The woman must be married; She must be subjected to cruelty or harassment; and such cruelty or harassment must have been inflicted either by the husband of the woman or by the relative of her husband.

16. Section 406 of the Indian Penal Code: Punishment for criminal breach of trust.—

Whoever commits criminal breach of trust shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

17. Section 506 of the Indian Penal Code-Punishment for criminal intimidation.—

Whoever commits, the offence of criminal intimidation shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both; If threat be to cause death or grievous hurt, etc.— And if the threat be to cause death or grievous hurt, or to cause the destruction of any property by fire, or to cause an offence punishable with death or imprisonment for life, or with imprisonment for a term which may extend to seven years, or to impute, unchastity to a woman, shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both.

Whoever, except in the case provided for by section 334, voluntarily causes hurt, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both.

18. Section 34 of IPC-. Acts done by several persons in furtherance of common intention. —When a criminal act is done by several persons in furtherance of the common intention of all, each of such persons is liable for that act in the same manner as if it were done by him alone.]

18. On perusal of the evidence adduced it appears that the deposition of the PW1 who is the defacto complainant as well as the victim herein does not provide any iota of proof regarding the allegations as had been levelled by her in her written complaint. It appears that nothing incriminating could be gleaned about the acts of the accused persons from her statement. The witness could not recall anything at all that would substantiate the allegations made by her at the time of filing the complaint. No allegations against any specific accused person were levelled at the time of deposing before the Court. The PW2 and PW3 being the mother and the father of the defacto complainant also does not bring forth any information of any act on the part of the accused persons that would go to show that they tortured the defacto complainant or even intimidated her. Although the complainant had leveled allegations in detail against the accused persons in her complaint, she stated absolutely nothing before the Court that could be fatal to the plea of innocence of the accused persons.

19. In the case of Kahkashan Kausar @ Sonam vs. State of Bihar the Hon'ble Apex Court has been pleased to point out that “..incorporation of section 498A of IPC was aimed at preventing cruelty committed upon a woman by her husband and her in-laws, by facilitating rapid state intervention. However, it is equally true, that in recent times, matrimonial litigation in the country

has also increased significantly and there is a greater disaffection and friction surrounding the institution of marriage, now, more than ever. This has resulted in an increased tendency to employ provisions such as 498A IPC as instruments to settle personal scores against the husband and his relatives.” It appears to me that the instant case was filed due to certain disputes which has been subsequently settled between the parties and the same resulted in the non-incriminating evidence of the witnesses. The other witness examined in this case is the mother and the father of the defacto complainant who submits that the complainant/PW1 had filed this case due to misunderstanding. It becomes clear that those witnesses have no inkling regarding any kind of incident with the defacto complainant. As such no act of the accused persons that could be considered as an offence has transpired from the evidence of the prosecution witnesses.

21. In case of **Ramlal vs. State of Jammu & Kashmir reported in 1999 (2) SCC 213** it has been held that when an offence is declared non compoundable by law it cannot be compounded even the permission of the Court. However, the Court may take the compromise into account while delivering the judgment. Herein, the parties appear to have amicably solved the disputes among themselves and have decided to part ways instead of continuing with the various criminal litigations. This Court is of the view to take into account the attending facts and circumstances.

22. Considering all the points discussed above and all the aspects of the case, it can be concluded that sufficient materials have not come forth against the accused persons to sustain the charge under section **498A/406/506/34** of the Indian Penal Code. Virtually here evidential value of prosecution witnesses is not strong enough to come to the conclusion that accused persons have committed offence in this case as charged against them.

23. Therefore, the net result is that prosecution has failed to prove the case against accused persons beyond reasonable doubt as is the cardinal principle of criminal jurisprudence. Ergo, the case fails and accused persons are not liable to be punished. Thus, both the issues are decided against prosecution.

24. Hence, it is,

ORDERED

25. That accused persons namely Jayanta Konyar @koner, Uttama Konyar @Koner, Asit Konyar @Koner and Asim Konyar @Koner are found not guilty for the offence punishable under section **498A/406/506/34** of the Indian Penal Code leveled against them and are accordingly acquitted under section 248 (1) of Cr.P.C.

26. The bond of the accused persons shall remain in force for a period of six months from the date of this Judgement as per the provision of section 437A of the Cr.P.C.

27. Seized articles shall be disposed of in accordance with law.

28. Victim has a right to prefer an appeal against this judgment under section 372 CrPC, if necessary they may avail free legal aid from the appropriate legal services authority to institute and prosecute such appeal .

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29. In compliance to the solemn order dated 29.3.22 passed by the Hon'ble Division Bench in CRA 266 of 2020 with CRA 01 of 2020 (*Sabitri Bhunya Vs The State of West Bengal and others*). Let a copy of this judgment be sent to District Magistrate and DLSA, Purba Bardhaman for due intimation to the victim as defined under section 2 (wa) of the Code of Criminal Procedure.

30. The case is disposed of on contest.

31. Note in Trial Register as well as in Case Information System.

Typed and printed by me.

Sd/-

[Smt. Passang Lamu Sherpa]

Judicial Magistrate, 5th Court ,Burdwan

J.O. Code: WB01396

Sd/-

[Smt. Passang Lamu Sherpa]

Judicial Magistrate, 5th Court Burdwan

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