

The Court of the Chief Judicial Magistrate
Jalpaiguri

Present : Dhrubajyoti Bhattacharyya,
Chief Judicial Magistrate, Jalpaiguri.
JO Code: WB 1177

CNR NO.: WBJP020029322026

GR 4259 of 2025

CIS Registration No. 2378 of 2026

Arising from FIR No. 869/2025 dated 29.8.2025 registered
at Bhaktinagar Police Station

Under Sections 85, BNS and section 4 of Dowry Prohibition Act.

State of West Bengal

.....**Prosecution**

Represented by : *Shri Mrinmoy Banerjee,*
Learned Assistant Public Prosecutor.

Versus

- 1. Babun Chandra Pal**
- 2. Bankim Chandra Pal**
- 3. Bipul Chandra Pal**
- 4. Tumpa Pal**
- 5. Sutapa Pal**
- 6. Sabita Pal**

.....**Accused Persons**

Represented by : *Pradip Bagchi, Learned Advocate.*



Form B

Date of Offence : Since 27.09.2018
Date of the First Information Received : 30.5.2023
Date of the receipt of Charge-sheet : 20.6.2026
Date of framing of charge : 29.6.2026
Date of commencement of Evidence : 04.7.2026
Date on which the Judgment is delivered : 18.7.2026
Date of sentencing order, if any : Not Applicable.

Details of the Accused Persons:

Rank of the accused	Name of the accused	Date of arrest	Date of Release on bail	Accusation	Whether acquitted or convicted	Sentence imposed	Period of detention undergone during trial for purpose of section 428, Cr.P.C.
1.	Babun Chandra Pal	Surrendered on 15.12.2026	15.12.2026	Under section 85, BNS and section 4 of the Dowry Prohibition Act.	Acquitted	Not Applicable.	Not Applicable
2.	Sabita Pal	Do	Do	Do	Do	Do	Do
3.	Bankim Chandra Pal	Do	Do	Do	Do	Do	Do
4.	Sutapa Pal	Do	Do	Do	Do	Do	Do



5.	Bipul Chandra Pal	Do	Do	Do	Do	Do	Do
6.	Tumpa Pal	Do	Do	Do	Do	Do	Do

Form C

List of Prosecution/Defense/Board Witnesses

A. Prosecution:

<i>Witness No.</i>	<i>Name of the witness</i>	<i>Nature of the witness</i>
PW 1	: Ranju Das Gupta	<i>Informant</i>
PW 2	: Soma Sengupta	<i>Relative of Informant</i>
PW 3	: Rimpa Sengupta	<i>Relative of Informant</i>
PW 4	: Madhusudan Barman	<i>Investigating Officer.</i>

B. No witness in support of defense has been produced.

C. No Court witness has been summoned.

List of Exhibits

A. Prosecution:

<i>Exhibit No.</i>	<i>Nature of the Document Produced</i>
Exhibit P 1/PW 1	: Information in writing
Exhibit P 1 (1)/ PW 1	: Signature of PW 1 on the information in writing.
Exhibit P1 (2)/PW 4	: Endorsement of receipt of the information in writing by the Officer in charge, Ashihar Out-post
Exhibit P 1(3)/PW 4	: Endorsement of receipt of the information in writing by the Officer in charge, Bhaktinagar Police Station.
Exhibit P2/PW 4	: Formal FIR



Exhibit P4/PW 4 : Rough sketch map of the place of occurrence
Exhibit P 3/PW 4 : Carbon copy of the list of seized list dated
04.11.2025.

B. Documents furnished on behalf of the accused persons, in support of their defense : No such document has been furnished.

C. Document marked as Exhibit by Court : Not Applicable.

D. Material Object: No material object has been produced as evidence.

Judgment

1. The present case has its genesis in a written information lodged before the Officer-in-Charge, Ashighar Outpost under Bhaktinagar Police Station, on the 29th day of August, 2025, by the informant, Smt. Rinju Das Gupta. The substratum of the said information is that the informant was lawfully married to accused no. 1 on the 27th September, 2018, in accordance with Hindu rites and customs, at Maa Bhavani Kali Temple, Siliguri. The remaining accused persons are the kinsmen and relatives of accused no. 1. Subsequent to the solemnization of marriage, the informant commenced her conjugal residence with her husband at premises no. 2, Ichlabad, Durgatala, Nathpukur, within the jurisdiction of Burdwan Police Station. During such period of cohabitation, the accused persons subjected her to persistent demands of dowry in the form of money and a residential flat at Kolkata, deprived her of food and clothing, and obstructed her from communicating with her parents. She was compelled to sleep in the verandah and was subjected to physical cruelty. When the informant conceived, she was dispatched to her paternal house on the 28th April, 2019. A male child, namely Abir Pal, was thereafter born of the wedlock. Since the date of her



departure from the matrimonial home, none of the accused persons enquired into her welfare. On the contrary, accused no. 1 discontinued payment of maintenance allowance to the informant and the minor son residing with her, and habitually insulted her over telephonic communication. The informant has further received information that accused no. 1 is contemplating a second marriage. The said accused has also issued threats to the informant over telephone.

2. On receipt of the information Officer in charge of Ashihar Police Station entered a GDE no. 957 dated 29.8.2025 and forwarded the same to the Inspector-in-Charge of Bhaktinagar Police Station who on receipt of the same entered GDE No. 1279 dated 29.08.2025 and recorded FIR No. 869/2025 dated 29.08.2025 in terms of Section 173 BNSS read with Regulation 243 BNSS, initiating investigation into offence punishable u/s 85 BNS and Section 4 of the Dowry Prohibition Act. He deputed Mr. Madhusudan Barman, ASI of Police Ashihar Outpost to proceed to investigate into the offence in terms of Section 176 of BNSS read with Regulation 258 of the Police Regulation, Bengal. The FIR was dispatched to the Court in terms of Regulation 246 of the Police Regulation, Bengal and the same on being received by this Court was registered in the General Register of Cases Cognizable on Police Report maintained in terms of Rule 375(4) of the Calcutta High Court Criminal (Subordinate Court) Rules, 1985.
3. On completion of the investigation Mr. Madhusudan Barman submitted police report u/s 173 BNSS read with Regulation 272 of the Police Regulation, Bengal reporting that the accused persons have committed offence punishable u/s 85 BNS and Section 4 of the Dowry Prohibition Act.
4. The police report was formally received by this Court on 20.06.2026 on being forwarded by the Inspector-in-Charge of Bhaktinagar P.S. and cognizance of the aforesaid offence was taken by ord Calcutta High Court Criminal (Subordinate Court) Rules, 1985 er dated 20.06.2026 delivered in terms of Section 210(1)(b) of BNSS. The copies of the germane documents were furnished to the accused



persons in terms of Section 230 of BNSS and the record was taken up for trial registering the same in the register maintained in compliance of Rule 375(5) of the Calcutta High Court Criminal (Subordinate Court) Rules, 1985.

5. Charge is framed against the accused persons in terms of Section 263 (1) of BNSS under the heads of offence punishable u/s 85 BNS and Section 4 of the Dowry Prohibition Act and substance of the charge with necessary details has been read over and explained to the accused persons in terms of Section 263 (2) of BNSS with necessary particulars to which each of them has pleaded not guilty and has claimed to be tried. This Court has proceeded to hear the prosecution and has recorded the examination of the witnesses in terms of Section 265 (1) of BNSS and the documents produced has been marked as exhibits in terms of Rule 157 of the Calcutta High Court Criminal (Subordinate Court) Rules, 1985. The details of the evidence produced by the prosecution has been given in the Form C above.
6. Accused persons on being examined u/s 313 Cr.PC has refused to produce any evidence in support of their defence.
7. In view of the tenor of the questions put in the course of the cross examination of the witnesses produced by the prosecution, on behalf of the accused persons and the responses elicited by the accused persons in response to the questions put thereto in the course of their examination u/s 313 Cr. PC, this Court finds that the case in support of the defence of the accused person is of complete denial of complicity.
8. This Court has had the advantage of hearing the submissions advanced by the learned Assistant Public Prosecutor as well as the learned Counsel appearing for the accused. The learned APP has urged that the informant adverted to persistent conflict of opinion with the family members of the husband-accused, and further drew attention to the testimony of PW-2, who categorically deposed that PW-1 had been subjected to cruelty during her matrimonial residence, a statement which found corroboration in the deposition of PW-3. Such concordant testimony, it is contended, prima facie discloses that the victim has indeed been



subjected to cruelty within the contemplation of Section 85 of the Bharatiya Nyaya Sanhita. In rebuttal, the learned Counsel for the defence has submitted that the prosecution witnesses have failed to furnish any particulars of the alleged cruelty, and that PW-1 herself, while deposing, merely adverted to conflict of opinion with the accused persons, which, it is argued, does not amount to cruelty within the meaning of the statutory expression under Section 85 BNS

9. The determination of the guilt and culpability of the accused persons is hinged on the following points formulated in terms of Section 393(1) (b) of BNSS :
 - a. Was the accused No. 1, the husband of the informant/PW-1 and other accused persons the relatives thereof ?
 - b. Did the accused persons subject the victim to cruelty ?
 - c. Did the accused persons willfully conduct so as to drive the victim to commit suicide or to cause grave injury or danger to life, limb or health, mental or physical, of the victim ?
 - d. Did the accused person cause harassment to the victim with a view to coerce her or any person related to her to meet any unlawful demand of dowry ?
10. All the foregoing points are taken together for consideration, in the interest of brevity and convenience. PW-1 has unequivocally asserted that she entered into matrimony with accused No. 1 on 27.09.2018 and thereafter commenced cohabitation with him. She has further deposed that differences of opinion arose between herself and accused No. 1, which led to a want of conjugal cohesion. She has also adverted to recurrent conflicts of opinion with the members of the family of accused No. 1, culminating in her voluntary withdrawal from the society of the husband and resumption of residence with her parental family. These asseverations of PW-1, taken at their face value, unmistakably disclose the absence of any element of cruelty as contemplated under Section 85 of the Bharatiya Nyaya Sanhita, and are predominantly exculpatory in their probative tendency.



11. PW-2 and PW-3 have merely asserted, in general terms, that the victim PW-1 was subjected to cruelty. They have, however, failed to furnish the essential particulars of the comportment of the accused persons which, according to them, constituted such cruelty. In the absence of explanatory or introductory facts of relevance under Section 7 of the Bharatiya Sakshya Adhiniyam, their depositions, being sisters of PW-1, stand rendered vague and omnibus, and are inadequate to sustain a conviction of the accused persons for the offence charged. PW-4, being the Investigating Officer, is but a formal witness, and his testimony cannot substitute the substantive evidence which is conspicuously lacking in the corpus of proof adduced by the prosecution.
12. In view of the ratiocination in the forgoing paragraphs this Court finds that the case of the prosecution is replete with probative deficiency and resultant doubts.
13. The property in custodia legis in the nature of birth certificate of Abir Paul and three photographs are in the interim custody of the informant / PW 1. The same may be confirmed.
14. Hence, it is,

Ordered

that the accused persons namely Babun Chandra Pal, Bankim Chandra Pal, Bipul Chandra Pal, Tumpa Pal, Sutapa Pal and Sabita Pal are found not guilty of offence punishable u/s 85 Bharatiya Nyaya Sanhita and Section 4 of the Dowry Prohibition Act and they are acquitted from the charge in terms of Section 271(1) of Bhartiya Nagrik Suraksha Sanhita. They are set at liberty and concerned sureties are discharged of the liabilities of bail bond except the bond furnished u/s 481 BNSS. The interim custody of the properties in custodia legis in favour of the informant Rinju Dasgupta is hereby confirmed. The Dealing Assistant is hereby directed to update the germane registers/ database maintained in compliance of Rules 11A, 125, 186(A), 375 sub Rule (4) & (5), 375A and 376 of the Calcutta High Court Criminal (Subordinate Courts) Rules, 1985. Court Police Officer is hereby directed to update the germane register maintained in terms of Regulation 536 of Police Regulation, Bengal. Pronounced in the open

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Typed and corrected by me

(DHRUBAJYOTI BHATTACHARYYA)

Court on the 18th day of July, 2026 and the cause being No. WBJP020029322026, is hereby concluded.

