

G.R. 205/2022 (CIS 99/2022)

(WB 00934)

Order No. 09 dated 18.02.2023

Sole accused Nitesh @ Nabin Tamang is present. Ld. APP is present. This day is fixed for evidence.

Witnesses namely Yozna Moktan (complainant) and Sangeeta Moktan are present. The witnesses examined and discharged as PW-01 and PW-02 respectively.

At this stage, a petition is filed by Ld. APP for closing of the evidence of prosecution on the ground that nothing adverse has come up in evidence against the accused.

Perused the record.

This is a case u/s 498A/494 of IPC. Complainant i.e. PW-01 and her sister (cousin) i.e. PW-02 have stated nothing against the accused. Admittedly, complainant and accused are staying together. Nothing incriminating has come in evidence against the accused.

Having gone through the evidence of prosecution witnesses and materials on record, it appears to this Court that there is no point proceeding further in the case as it would be a futile exercise.

The prayer of the Ld. APP is thus, allowed.

Hence,

the evidence for the prosecution is closed. The examination of the accused u/s 313 of Cr.P.C is dispensed with as there is no iota of evidence against him.

To 23.03.2023 for delivery of judgement.

D/c by me,

CJM, Kalimpong.

CJM, Kalimpong.

18/02/2023