

ST 12(08)2014
SC 31 of 2014
CNR No. WBNP140019812014

Present: D.K.Goswami, ADJ, FTC2, BKP

Order No. 41 dated 14.07.2022

Today is the date fixed for passing order.

All the accused on CB are present along with their respective Ld. Advocate.

Ld. PP in-charge is present.

Jagaddal P.S. Case No. 40 dated 16.01.2010 under Section 498A IPC was initiated on the basis of a written complaint lodged by one Mitali Debnath on the allegation and contention that she was subjected to cruelty by the present accused persons namely Gopal Debnath, Kartick Barma @ Srikanta, Nilu Mondal @ Nilima and Jyostna Barma and four others namely Gobinda Debnath @ Bochan, Jhunu Jaiswal, Gyani Jaiswal and Dulal Debnath.

The investigation of the offence culminated into filing charge sheet against all the FIR named accused persons under Section 498A/307/120B IPC.

The case was ordered to be filed for present in respect of accused Gyani Jaiswal and Jhunu Jaiswal and same is evident from Order dated 11.05.2013 passed by Ld. ACJM, Barrackpore.

Charge was framed against accused Gobinda Debnath @ Bochan, Kartick Barma @ Srikanta, Smt. Nilu Mondal @ Nilima, Smt. Jyotsna Barma, Gopal Debnath and Dulal Debnath under Section 498A/307/120B IPC by my Ld. Predecessor-in-office to which the accused pleaded their innocence and claimed trial. During the course of trial accused Dulal Debnath and Gobinda Debnath expired and accordingly the case was filed for ever in respect of them.

From the side of prosecution as many as 3 witnesses have been examined including the de facto complainant.

The de facto complainant did not prefer any accusation against the present accused persons rather she categorically preferred accusation against her husband Gobinda Debnath, since deceased. The remaining two witnesses namely Tapas Biswas and Sujoy Singha Roy have pleaded their ignorance about the facts of this case.

In view of that there is no material to examine the accused under Section 313 Cr.P.C.

In the facts and circumstances, this court considers that there is no evidence that the present accused persons have committed the offence and accordingly they

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deserve an order of acquittal under Section 232 Cr.P.C.

Hence, it is

ORDERED

that the accused persons namely Smt. Nilu Mondal @ Nilima, Kartick Barma @ Srikanta, Jyotsna Barma and Gopal Debnath found not guilty of the offence punishable under Section 498A/307/120B IPC and accordingly they are acquitted from the said charge u/s. 232 Cr.P.C. They shall be released from their respective bail bonds, after the period of appeal.

Seized alat and the record be preserved as the case was ordered to be filed for present in respect of accused Jhunu Jaiswal and Gyani Jaiswal.

Let a copy of this judgment be at once transmitted to the District Magistrate, North 24 Parganas.

In compliance with the direction of the Hon'ble Court passed in connection with CRA 266 of 2020 with CRAN 01 of 2020, let another copy of this judgment be transmitted to the Ld. Secretary, DLSA, North 24 Parganas for information and communication to the de facto complainant of her right to prefer an appeal under Section 372 of Cr.P.C. and if necessary, to avail free legal assistance through the Legal Services Authorities to prefer and prosecute such appeal.

Dictated & Corrected by me

Addl. Sessions Judge
FTC2, BKP

Addl. Sessions Judge
Fast Track Court No.2, Barrackpore,
North 24 parganas
WB-815

