

IN THE COURT OF JUDICIAL MAGISTRATE 1st COURT, RAIGANJ,
UTTAR DINAJPUR

Present: QUADIRA SULTANA
JO Code- WB01180

15th day of September, 2023

GR Case No. 541 of 2022
TR no.661/2022
Reg No: 288 of 2022
WBUD 02-0003682022

The allegation u/s 354 B of the Indian Penal Code arising out of the Raiganj PS Case No.230 /22 Dated- 25.02.2022.

Complainant	State Of West Bengal
Represented By	A.P.P
Accused	Prasun Barman @ Prasenjit Barman All of vill.- Ekra, Baroduary, P.S. Raiganj. Dist.- Uttar Dinajpur.
Represented By	Advocate

Date of Offence	25.02.2022
Date of FIR/Complaint U/S 156(3)CrPC	25.02.2022
Date of Charge-sheet	28.02.2022
Date of Framing of Charges	14.09.2023
Date of commencement of Evidence	14.09.2023
Date on which Judgment is reserved	15.09.2023
Date of the Judgment	15.09.2023
Date of the Sentencing Order, if any	NA

Rank of the Accused	Name of the Accused	Date of arrest	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, Cr.P.C.
1.	Prasun Barman @ Prasenjit Barman		25.02.2022	354B IPC	acquitted	NA	Nil

LIST OF PROSECUTION / DEFENCE / COURT WITNESSES

A. Prosecution:

Rank	Name	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
PW 1	Shikha Barman	Complainant

A. Prosecution:

B. Defence witnesses, if any: NA

C. Court Witnesses, if any: NA

LIST OF PROSECUTION / DEFENCE / COURT EXHIBITS

A. Prosecution

Sr. No.	Exhibit Number	Description
1.	Nil	Signature on written complaint

B. Defence: NA

C. Court Exhibits: NA

D. Material Objects: NA

JUDGEMENT

This is a case u/s 354B IPC of the IPC, 1860. The Prosecution case, in short, is that the complainant namely **Shikha Barman** lodged a written complaint against the accused person that the accused was disturbing her for some times. Even she is a married person, the accused gave her indecent proposals and teased her. On 24.02.2022 at about 20:00 hours, when she was returning home from a shop, the accused followed her and pulled her wearing apparels and tried to outrage her modesty. When she tried to free herself and shouted, the accused grabbed his neck. But local people came and saved her. Hence this case.

On the basis of this complaint, one Raiganj P.S. case no.230/22 dated 25.02.2022 was started against the accused persons for the offence punishable u/s 354B of the IPC, 1860. The case was investigated by one L.P.S.I. Anindita Sarkar of Raiganj P.S. After completion of the investigation, the I.O. of the case submitted C.S.No. 262/22 dated 28.02.2022 against the accused person for the offence punishable u/s 354B of the IPC, 1860.

However, this court considering the material on record has framed charge against the accused persons for the offence punishable u/s 354B of the IPC, 1860. Then the said charge has been read over and explained to the accused person to which he pleaded not guilty by saying "Ami Nirdosh" and claimed to be tried in accordance with law.

EVIDENCE ON RECORD

In support of the case the prosecution has examined the following witnesses.

1.Shikha Barman,the defacto complainant as P.W-1

EXHIBITED DOCUMENTS

Through the evidence of the aforesaid witnesses no document has been marked as Exhibit.

EXAMINATION OF THE ACCUSED U/S 313 OF Cr.P.C

The accused person above named has been examined u/s 313 of the Cr. P.C.,1973 and on being asked he has declined to adduce an evidence in support of his defence.

The case of the accused above named as revealed from the trend of cross examination of the prosecution witness and also the answer given by him in course of his examination u/s 313 of the Cr.P.C.,1973, in short is that they are innocent and that he has been falsely implicated in this case.

POINTS FOR CONSIDERATION

Considering the written charge, evidence and other materials on record following points are formulated for the proper adjudication of the case :

- 1. Are the accused persons guilty of offence punishable under section 354B of the IPC,1860?**
- 2. Has the prosecution been able to prove the charge against the accused beyond all reasonable doubts ?**

DECISION WITH REASONS

All the points formulated here in above are taken up for the sake of convenience and brevity of discussion.

It is a well settled law that the accused

shall be deemed to be innocent until their guilt is proved by the prosecution by cogent evidence. Since the prosecution has brought the charge sheet against the accused person, it is the duty of the prosecution to prove the guilt of the accused person beyond reasonable doubt.

P.W.1 namely Shikha Barman (being the defacto complainant), stated in her evidence that she has filed this case out of misunderstanding. Further, she stated that she cannot recollect the content of the FIR and she has just put her LTI upon the written complaint.

During her cross examination, she stated that she has no objection if the accused person is acquitted from this case.

After perusing the evidence of the prosecution witnesses, I found that there is contradiction in between the statement of the complainant in the FIR and the deposition of the prosecution witnesses and such contradiction proved fatal for the prosecution case. It also appears from the deposition of the prosecution witnesses that the complainant has filed the instant case out of misunderstanding and she is totally ignorant with regards to the contents of the written complaint lodged by her. More so, the other prosecution witness had not uttered a single adverse words against the accused person.

Considering the entire evidence on record, I am of the view that the prosecution has miserably failed to prove the guilt of the accused above named beyond reasonable doubt and as such the accused person is entitled to get benefit of

doubt.

Hence it is,

O R D E R E D

that the accused person namely **Prasun Barman @ Prasenjit Barman** is found not guilty for offence punishable u/s 354B of the IPC and as such he is acquitted under Section 248(1) of the Cr.P.C.

The accused person is on Court bail. He may be discharged forthwith from his respective bail bond and be set at liberty at once.

Accordingly, seized *alamat* if any be disposed after the expiry of the appeal period.

Let the copy of Judgment be forwarded to the Secretary D.L.S.A, Raiganj at once.

**Dictated & Corrected
by me.**

J.M. 1st Court,
Raiganj,
Uttar Dinajpur

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Raiganj,
Uttar Dinajpur