

**IN THE COURT OF ADDITIONAL CHIEF JUDICIAL MAGISTRATE, DIAMOND
HARBOUR, SOUTH 24-PARGANAS**

**PRESENT:- Arif Ahmed
ADDITIONAL CHIEF JUDICIAL MAGISTRATE,
DIAMOND HARBOUR, SOUTH 24-PARGANAS**

GR No. 3121/2021
TR No. 483/2022
CIS No. 619/2022
CNR No.WBSP140011592022

State
-Vs-

Suman Dey and Reba Dey Accused persons.

JUDGMENT

Date of delivery of the Judgment: **21.07.2026**

The accused persons of this case namely Suman Dey and Reba Dey faced trial under the charges of committing offence punishable under section 498A/406/34 of IPC.

The prosecution case, in brief, is that defacto complainant got married to accused husband namely Suman Dey out of love affair and subsequently with the consent of members of both the families. After marriage she went to her matrimonial home and started there conjugal life. While living at the matrimonial home she was physically and mentally torture for demand of money by the accused persons. She was kept under starvation. Many a times meeting was held to resolve the dispute but in vain. She was severely assaulted. On 24.10.2021 accused/husband brought her back and they resume their conjugal life. On 12.11.2021 at about 10 p.m the accused persons together again assaulted her. Accused/husband tried to assault her with broken glass bottle to her belly. But some somehow she escaped. She was medically at Naiyarhat hospital. She also alleged that the accused/husband had developed illicit relation with another female person. Hence, this case.

Over the incident, defacto complainant lodged written complaint

before the local P.S. and after registering a formal FIR thereon the police started Mandirbazar P.S. case no. 387/21 dt. 13.11.2021 under section 498A/324/34 of IPC.

After investigation the police submitted charge-sheet vide no.368/21 dated 13.12.2021 against the accused persons for committing an offence punishable u/s 498A/324/34 of IPC read with section 3/4 of DP Act. The charge was framed against the accused persons on 26.03.2025 under section 498A/406/34 of IPC and the content of the charge was read over and explained to the accused persons to which they pleaded not guilty and claimed to be tried.

Hence, this trial.

The examination of the accused persons under section 313 of the Code of Criminal Procedure, 1973 was done and the accused persons stated that they would not adduce DW. The specific defence case as it appears from the trend of cross-examination of the prosecution witnesses and the examination of the accused persons under section 313 Cr.P.C is of mere denial and innocence.

POINT FOR CONSIDERATION

Has the prosecution succeeded in proving the charge against the accused persons beyond all shadows of reasonable doubts by adducing cogent and trustworthy evidence?

DECISION WITH REASONS

In this case, the prosecution has examined the following witness.

Sangeeta Dey(Bornick), Defacto complainant PW-1

Let the written complaint be marked as exhibit-1.

Now, let me scrutinize the evidence on record to come to a definite finding as to how far the prosecution has been successful to prove the case against the accused person beyond all shadows of reasonable doubts.

In the present case, the defacto complainant as PW-1 deposed that she got married 27 years ago with accused/husband in the year 2020 as per Hindi rites and customs. While residing at her matrimonial home she was

physically and mentally torture by the accused persons. So she lodged the complaint. In her cross-examination she stated that the dispute is amicably settled. No other prosecution witness was examined. The defacto complainant failed to reveal the manner in which the alleged torture was inflicted. Thus, in the absence of the same, just stating that physical and mental torture was inflicted is nothing but an opinion.

In view of the above facts and circumstances, I am of the opinion that the prosecution witnesses are lacking in material particulars about the alleged incident and the defacto complainant cum the victim of the alleged incident could not specify the details of the incident. Prosecution version of the case did not find corroboration from any independent witness. There is no sufficient incriminating material appears to have been placed before this court by the prosecution against the accused persons and as such the prosecution has failed to prove its case beyond reasonable doubts. Resultantly, the prosecution case fails and it is

ORDERED

that the accused persons namely Suman Dey and Reba Dey are found not guilty to the charge u/s 498A/406/34 of IPC and they are accordingly acquitted u/s 248 (1) Cr.P.C. They are released from their bail bonds and set at liberty at once.

The victim of the case has the right to prefer an appeal against the judgment under proviso to section 372 of Code of Criminal Procedure and if necessary, to avail free legal assistance through the legal services authority concerned to prefer and prosecute such appeal.

Let the copies of judgment be forwarded to the District Magistrate, Alipore, South 24-Parganas and DLSA, Alipore for the intimation to the victim concerned.

Dictated and corrected by me.

Addl. Chief Judicial Magistrate,
Diamond Harbour,
South-24 Parganas

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South-24 Parganas

G.R. Case No. 3121 of 2021

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