

**IN THE COURT OF THE JUDICIAL MAGISTRATE, 3RD COURT,
RANAGHAT, NADIA.**

Present : Md. Nurjaman Khan
(J.O.Code -WB01290)
Judicial Magistrate,
3rd Court, Ranaghat,
Dist- Nadia

CNR No. WBND13-002754-2024

Date of delivery of Judgment 09-08-2024

GR -923/2020

TR- 663/2024

Arising out of Ranaghat Women P.S Case No. 08/2020 dated 20-01-2020
U/S-406/34 of the Indian Penal Cod.

Case u/s-406/34 of the Indian Penal Code, 1860

Complainant	State of West Bengal
Represented by:	Sumit Mondal, Ld. APP
Accused:	Simran Ghosh , Sujit Ghosh @ Mantu, Debkali Ghosh
Represented by:	B. Basak, Ld. Advocate

Date of offence	Since after marriage
Date of First Information Report	20-01-2020
Date of Charge Sheet	30-12-2021
Date of Framing of Charge / Plea	07-08-2024
Date of Commencement of Evidence	07-08-2024
Date of which Judgment is reserved	NA
Date of Judgment	09-08-2024
Date of Sentencing of Order, if any,	NA

Accused Details:

Rank of Accused	Name of Accused	Date of Arrest	Date of Release on Bail	Offence Charged with	Whether Acquitted or Convicted	Sentence	Period of detention undergone during trial for the purpose of Section 425 Cr.P.C
A-1	Simran Ghosh	NA	16-01-2021	406/34 of IPC	Acquitted	NA	NA
A-2	Sujit Ghosh @ Mantu	NA	16-01-2021	406/34 of IPC	Acquitted	NA	NA
A-3	Debkali Ghosh	NA	16-01-2021	406/34 of IPC	Acquitted	NA	NA

List of Prosecution / Defense / Court Witness:

A. Prosecution Witness

Rank	Name	Nature of Evidence (Eye Witness, Police Witness, Expert Witness, Medical Witness, Panch Witness, Other Witness)
PW 01	Shila Das	Defacto complainant

B. Defence Witness, If any,

Rank	Name	Nature of Evidence
NIL	NIL	NIL

C. Court Witness, If any,

Rank	Name	Nature of Evidence
NIL	NIL	NIL

List of Prosecution / Defence / Court Exhibits:

A. Prosecution:

Sl. No	Exhibit Number	Description
1	Exhibit 1	The signature of the complainant.

B. Defence:

Sl. No	Exhibit Number	Description
NIL	NIL	NIL

C. Court Exhibit:

Sl. No	Exhibit Number	Description
NIL	NIL	NIL

D. Material Objects:

Sl. No	Exhibit Number	Description
NIL	NIL	NIL

Factual Matrix:-

Ranaghat women PS initiated the instant case under section 498A/406/34 of IPC on the basis first information report (in short FIR) submitted by the defacto complainant namely Shila Das.

It is alleged that her son namely Partha Das got married with one Shimran Ghosh. After few days complanant's daughter in law namely Simran Ghosh started abusing her with slang languages. On 22-04-2019 her daughter in law and other accused persons snatched away the ornament of the complainant. Lastly on 23-11-2019 complainant's son and her husband went to the house of accused Sujit Ghosh and approached the accused Simran Ghosh to return back to her matrimonial home but she refused and stated that she was not willing to continue her conjugal life with complainant's son and she has also refused to return the ornaments of the complainant.

After her marriage, she moved to her matrimonial house and started residing there as husband wife. Since after few days of her marriage she was subjected to both physical and mental torture by the accused persons on the issue of allegedly given low qualities dowry articles. It has been further alleged that her brother in law (Nandai) used to give ugly proposal to her. Lastly she driven out from her matrimonial house after being assaulting by them in a single wearing apparel.

On the basis of allegation made by the de facto complainant, police initiated Ranaghat Women PS Case No- 08/2020, dated 20-01-2020.

The investigation was initiated accordingly and the charge-sheet no. 132/021 dated 30-12-2021 was submitted under sections 406/34 of the Indian Penal Code. Cognizance was taken against the accused persons. Considering the materials on record, the charge under Section 406/34 IPC was framed against the charge-sheeted accused persons by this Court. The substance of charge so framed was read over to the accused persons to which they pleaded not guilty of committing the offence and claimed to be tried.

The prosecution adduced de facto complainant Shila Das as PW1. The prosecution did not adduce any other witness out of 06 charge-sheeted witnesses.

The accused persons were examined under section 313 Cr.P.C. where they again claimed themselves to be not guilty. However, no defence witness was adduced.

Points for Consideration

a) Whether the prosecution has been able to prove the charge as framed against the accused persons?

b) Whether the accused persons are liable to be punished under section 406/34 of I.P.C.?

Decision with Reasons

Now this court has to see whether the prosecution has been able to prove the charge as framed against the accused persons or not.

P.W.1, Shila Das during her examination in chief stated that the alleged incident took place in the year 2019 at about 8/9 pm at her house. She stated that her daughter in law Simran Ghosh has also lodged one counter case against them. One matrimonial dispute cropped up in between her son and her daughter in law. She stated that the accused persons has snatched away her some gold ornaments. She stated that the matter has been settled amicably out of the court. She stated that she got back her her gold ornaments. Hence she does not want to proceed with this case.

In her cross examination she stated that the matter has been amicably settled with the accused persons out of the court. She stated that she was not examined by the police int his case. She stated that she has no allegations against the accused persons. She stated that she has no objection if the accused persons are acquitted from this case.

I.O and other witnesses of this case were not examined.

From the deposition of de facto complainant it appears that she had initiated the instant case against her husband and her in-laws due to some matrimonial dispute over family affairs. She has not stated anything in her examination-in-chief about any kind of assault or infliction of torture by the accused persons upon her for the demand of dowry. The offence alleged by the de facto complainant is more or less in the nature of personal wrong rather than a threat to society at large and accordingly it appears that the complainant has no grievance against the accused persons at present. Accordingly, prosecution closed the evidence as no useful purpose would be served by serving summons upon the other witnesses. As such, no other witnesses have been examined and there is no corroboration of FIR story. It is palpably clear that prosecution has failed to establish the essential ingredients of Section 406/34 IPC against the accused persons. The case is virtually standing without any sufficient evidence to establish the offence and prosecution has failed to prove the charges against the accused person. Accordingly, the accused persons are not liable to be punished.

Hence, there is no other option but to acquit the accused person.

Hence, it is

O r d e r e d

that the accused persons, namely **Simran Ghosh , Sujit Ghosh @ Mantu, Debkali Ghosh** are found not guilty of committing the offence punishable under section 406/34 of Indian Penal Code and are hereby acquitted of the charges framed against them as per section 248(1) of Cr.P.C.

they are also discharged from the liability of his respective bail-bond and set at liberty.

The surety is also discharged.

Let a copy of this judgement be forwarded to the Ld. Chairman, SDLSC, Ranaghat for information and necessary action.

The right to prefer an appeal with Legal Aid has been duly communicated to the defacto complainant of this case.

Dictated & corrected by

Md. Nurjaman Khan
Judicial Magistrate,
3rd Court, Ranaghat.

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3rd Court, Ranaghat.