

**IN THE COURT OF ADDITIONAL CHIEF JUDICIAL
MAGISTRATE (I/C), KALYANI, NADIA**

**PRESENT : Sri Pabitra Sen,
Addl. Chief Judicial Magistrate (I/C), Kalyani, Nadia**

In the matter of :-

**G.R. Case No. 260 of 2023
C.I.S. Reg. No. G.R. Case No. 3515 of 2022
C.N.R. Reg. No. WBND0E-003515-2022
T.R. No.231 of 2023
J.O. Code No. WB01019**

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In the matter of :- State of West Bengal

Vs.

1. Mahadeb Biswas,
2. Tarak Biswas and,
3. Manika Biswas

.....Accused Persons

A case under sections : - 498-A/34 of Indian Penal Code

J U D G M E N T

Date of Delivery: 18/12/2023

1. The Prosecution case in short, is that, one Sonali Biswas, wife of Mahadeb Biswas, presently residing at Debgarh, District – North 24 Parganas, the de facto complainant lodged a written complaint before IC, Chakdaha PS, Nadia to the effect that her marriage was solemnized with Mahadeb Biswas, about three years ago according to Hindu rites and customs. After marriage she went to her matrimonial house to lead conjugal life with her husband. But since after her marriage, she was subjected to physical and mental torture by her husband and other in-laws of her

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matrimonial house. On 18.07.2022, at about 9.30 pm, her husband came home in drunken condition with the instigation of her parents in law, started assaulting upon her. Her husband also tried to kill her by pressing her neck and thereafter drove her away from her matrimonial home in her single wearing apparels. Hence, this case.

2. After receiving the written complaint, the instant case was started and after completion of investigation, Investigating Officer submitted charge-sheet being No. 469/2022, dated 31.07.2022 against accused persons namely 1. Mahadeb Biswas, 2. Tarak Biswas and, 3. Manika Biswas for the commission of offence punishable under section 498-A/34 of Indian Penal Code.

3. Charge was framed against the accused persons for commission of offence punishable under section 498-A/34 of Indian Penal Code. The said charge was read over and explained to them to which they have pleaded by not guilty and claimed trial.

4. In order to prove the case, the prosecution has examined only one witness, whereas defence examined none.

5. The accused persons are examined u/S 313 Cr.P.C. They said that they were not guilty.

6. **Appreciation of Evidence :**

The de facto complainant cum victim as the PW-1 has stated that she has lodged a written complaint before IC, Chakdaha PS against her husband, Mahadeb Biswas and other in-laws of her matrimonial house and identified them on dock. She further deposed that due to some matrimonial family dispute in her matrimonial home in between herself and the accused persons, she lodged the case and proved her signature on the written complaint lodged by her, marked as Exbt.1. The witness further stated that at present she is residing at her matrimonial home and everything has been

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settled between them. She also does not have any allegation against the accused persons and could not say what is written on the written complaint lodged by her.

7. Considering the facts and circumstances and after considering the deposition as made by the witness, I hold that prosecution has failed to prove its case beyond all sorts of reasonable doubts and accused persons deserved to be acquitted from the instant case.

8. Hence, it is,

ORDERED

that the accused persons, namely, 1. Mahadeb Biswas, 2. Tarak Biswas and 3. Manika Biswas are found not guilty for the commission of offence under section 498-A/34 of Indian Penal Code. They are hereby acquitted in terms of section 248(1) Cr.P.C. Sureties are discharged from their respective bail bonds. The accused persons are set at liberty. The instant case is disposed of accordingly. Dealing Assistant is directed to send the judgment in District Website. A copy of this judgment be sent to the office of the S.D.L.S.C, Kalyani, Nadia and a copy of this judgment be also sent to the office of the District Magistrate, Nadia at Krishnanagar. Note it in Trial Register.

Dictated and corrected by me,

<i>(SRI PABITRA SEN)</i> <i>Additional Chief Judicial Magistrate (I/C)</i> <i>Kalyani, Nadia</i>	<i>(SRI PABITRA SEN)</i> <i>Additional Chief Judicial Magistrate(I/C)</i> <i>Kalyani, Nadia</i>
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