



IN THE COURT OF JUDICIAL MAGISTRATE, 3rd COURT, SEALDAH, SOUTH 24 PGN.

[PRESENT: Sonika Shaw
(J.O. Code : WB01422)
Judicial Magistrate, 1st Class]

Date of Judgment: Friday, 14.08.2026

GR 2200/2019

(CNR: WBSP0A-002959-2019)

(Arising Out Of: Manicktala P.S. FIR No. 271 dated 21.08.2019 u/s. 498A I.P.C & 3/4 of D.P Act)

Complainant / Prosecution	STATE OF WEST BENGAL (Defacto: Subhasree Banerjee nee Adhikary)
Accused Person	1. Bijoy Adhikary
Represented by:	Sri. Suman Samanta.....Ld. A.P.P. Smt. Rashmoni DeyLd. Adv. for Accused person

FORM – B / (M) 35

Date of Offence	21.08.2019
Date of FIR	21.08.2019
Date of Charge sheet	10.07.2021
Date of Framing Charge	24.07.2026
Date of Commencement of Evidence	11.08.2026
Date on which Judgment is reserved	14.08.2026
Date of Judgment	14.08.2026

ACCUSED DETAILS

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 the purpose of Section 428 Cr.P.C
1.	1.Bijoy Adhikary			US. <u>498A I.P.C & 3/4 of D.P Act</u>	Acquitted	-	-

FORM-C / (M)36

LIST OF PROSECUTION / DEFENCE WITNESSES/COURT WITNESSES

A. Prosecution:

Rank	Name	Nature of evidence (eye witness, police witness, expert, medical, panch witness, other witness)
P.W-1	Subhasree Banerjee nee Adhikary	C.S.W-1/De-facto complainant
P.W-2	Samir Banerjee	CSW-2/Brother of the de-facto

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B. Defence Witness, if any:

Rank	Name	Nature of evidence (eye witness, police witness, expert, medical, panch witness, other witness)
NIL		

C. Court Witness, if any:

Rank	Name	Nature of evidence (eye witness, police witness, expert, medical, panch witness, other witness)
NIL		

LIST OF PROSECUTION / DEFENCE / COURT EXHIBITS

A. Prosecution:

Sr. No.	Exhibit Number	Description
1	Exbt.-P1/P.W1	Signatures of the complainant on the letter of complaint

B. Defence:

Sr. No.	Exhibit Number	Description
NIL		

C. Court Exhibits:

Sr. No.	Exhibit Number	Description
NIL		

D. Material Objects:

Sr. No.	Material Object Number	Description
NIL		

PROSECUTION CASE:

1. The case of the prosecution is that from the date of marriage, the complainant Subhasree Banerjee nee Adhikary, the accused person Bijoy Adhikary being her husand subjected her to cruelty both mentally and physically by demanding dowry at her matrimonial house at 21/H/28, Canal East Road, Kolkata-67 and finally the complainant was bound to leave her matrimonial house. Presently the complainant resides at her parental house at 21/H/26, Canal East Road, Kolkata-67.
2. On the basis of the same, a formal FIR drawn up by Manicktala P.S u/s. **498A I.P.C & 3/4 of D.P Act** and the instant GR case was started.
3. Upon completion of investigation, the I.O has submitted a charge sheet against the accused person, for commission of offence punishable u/s **498A I.P.C & 3/4 of D.P Act** Accordingly the cognizance was taken against the accused person for the aforesaid offence, and this court received the case for trial on 12.11.2025.
4. The accused person was examined for the offence under section **498A I.P.C & 3/4 of D.P Act**. The substance of accusation was read over and explained to the accused person.

Charge was accordingly, framed on 24.07.2026 under Section **498A I.P.C & 3/4 of D.P Act** against the accused person. The accused person denied the charges, pleaded ‘**not guilty**’ and claimed to be tried.

EVIDENCE DURING TRIAL:

The prosecution was able to bring forth the following witnesses to prove their case:-

**P.W.1- Subhasree Banerjee nee Adhikary (De-facto complainant/CSW-1) and
P.W.2- Samir Banerjee/ (Brother of the de-facto/CSW-2).**

Following exhibit was marked –

Exbt.-P1 /P.W1: Signatures of the complainant on the letter of complaint.

POINTS OF CONSIDERATION:

- a. Whether the prosecution has been able to prove the charges u/s. **498A I.P.C & 3/4 of D.P Act** against the accused person beyond all reasonable doubt or not?
- b. Whether the accused person are liable to be punished u/s. **498A I.P.C & 3/4 of D.P Act.**?

DECISION WITH REASONS:

It is well-settled principle of law that initially burden of proof lies upon the Prosecution in order to prove its case and, if there is any doubt the accused person will get the benefit of that doubt.

In order to prove its case, the Prosecution has examined two witnesses i.e. the defacto complainant, Subhasree Banerjee nee Adhikary as P.W-1 and brother of the de-facto, Samir Banerjee as P.W-2.

This Court has gone through the evidence of the P.W-1 and 2.

The main allegations against the accused person that from the date of marriage, the complainant Subhasree Banerjee nee Adhikary, the accused person Bijoy Adhikary being her husband subjected her to cruelty both mentally and physically by demanding dowry at her matrimonial house at 21/H/28, Canal East Road, Kolkata-67 and finally the complainant was bound to leave her matrimonial house. Presently the complainant resides at her parental house at 21/H/26, Canal East Road, Kolkata-67.

However, the P.W-1 who is the defacto complainant stated on oath that she cannot recollect the facts of this case and her testimony has been further corroborated by her brother who deposed as P.W-2 and stated he cannot recollect the facts of this case and his sister has been divorced with the accused Bijoy Adhikar. Moreover, the Prosecution has not produced any further witness nor the prosecution examined any other witnesses of this case.

Moreover, the P.W-1 as well as the P.W-2 have stated that they have no allegation against the accused person.

The evidence of all the witnesses hardly shows existence of any material to sustain the charge under section 498A I.P.C & 3/4 of D.P Act. The prosecution did not adduce any further evidence. Therefore, considering the entire, oral and documentary evidence and in view of my above discussions, this Court is of the opinion that the Prosecution has failed to prove the charge against the accused person beyond any shadow of doubt, and, as such, the accused person is entitled to get benefit of doubt in the instant case.

Hence, it is

ORDERED

that the accused person namely Bijoy Adhikary is found not guilty of the offence U/s. 498A I.P.C & 3/4 of D.P Act . He is acquitted U/s. 248(1) of Cr.P.C. He is also discharged from his bail bond. Send the copy of this Judgment to the defacto complainant/victim through the District Magistrate, Sealdah.

Accordingly, the case is thus disposed of.

BC II is directed to note in the TR register and CIS accordingly.

Sd/-

(Sonika Shaw)

**Judicial Magistrate, 3rd Court,
Sealdah, South 24 Parganas**

Sd/-

(Sonika Shaw)

**Judicial Magistrate, 3rd Court
Sealdah, South 24 Parganas**

