

FORM A(M) 34

**IN THE COURT OF ADDITIONAL SESSIONS JUDGE (FTC-IV),
KRISHNAGAR, NADIA**

***Present: Sanghamitra Chatterjee
Additional Sessions Judge(FTC-IV), Krishnagar, Nadia.
JO Code – WB01058***

**Ref: Sessions Case No. 177(04)2023 (CIS No. 177/2023)
Sessions Trial No. VIII (May) 2023 dated 19.05.2023
(Arising from Kotwali P.S. Case No. 196/2023
dated 04.03.2023, G.R. No. 1198/2023)**

C.N.R. Reg. No. CNR.WBND01-001969-2023

A TRIAL UNDER SECTIONS 417/376 OF THE INDIAN PENAL CODE

Date of Delivery of Judgment-02.08.2025.

(Details of FIR/ Crimes and Police Station)

Complainant	State of West Bengal
Represented by	Parimal Biswas
Accused	1. Sanjoy Biswas, Father's Name : Gour Chandra Biswas, of Vill and P.O- Haranagar Dakshin para, P.S- Kotwali, Dist- Nadia.
Represented by	Sourav Bhattacharya, Sunayan Das and Sanjib Kumar Sen

FORM B

Date of Offence	03.03.2023
Date of FIR	04.03.2023
Date of Charge Sheet	26.03.2023
Date of Framing Charges	19.05.2023
Date of Commencement of Trial	19.05.2023
Date of Argument	02.08.2025
Date of the Judgment	02.08.2025
Date of the Sentencing Order, if any	N.A.

ACCUSED DETAILS

Rank of the Accused	Name of the Accused	Date of Arrest/ Surrender	Date of Released on Bail	Offences Charged with	Whether acquitted or Convicted	Sentence Imposed	Period of Detention Undergone During Trial for the Purpose of Section 428 of the CR.P.C.
1.	Sanjoy Biswas	01.03.2023	05.04.2023	U/S 417/376 of IPC	Acquitted	N.A	N.A

FORM C (M) 36

LIST OF PROSECUTION/DEFENCE/COURT WITNESSES

A. Prosecution Witnesses :

Sl. No.	RANK	NAME	NATURE OF EVIDENCE (Eye Witnesses, Police Witnesses, Expert witnesses, Medical Witnesses, Panch Witnesses & Other Witnesses)
01.	P.W-1	Name withheld	Victim/Prosecutrix
02.	P.W-2	Name withheld	Mother of the Victim/Prosecutrix

B. Defence Witnesses, if any :

RANK	NAME	NATURE OF EVIDENCE (Eye Witnesses, Police Witnesses, Expert witnesses, Medical Witnesses, Panch Witnesses & Other Witnesses)

C. Court witnesses, if any :

RANK	NAME	NATURE OF EVIDENCE (Eye Witnesses, Police Witnesses, Expert witnesses, Medical Witnesses, Panch Witnesses & Other Witnesses)

LIST OF PROSECUTION/ DEFENCE/ COURT EXHIBITS

A. Prosecution :

Sl Nos.	Exhibit Nos.	Descriptions
1.	Exhibit-P-1	Written complaint
2.	Exhibit-P-1/1	Signature of Pw1 on written complaint
3.	Exhibit-P-2	Endorsement of PW1 on medical report dated 04.03.2023
4.	Exhibit-P-3	Letter of PW1 dated 08.03.2023
5.	Exhibit-P-3/1	Signature of PW1 on medical report dated 09.03.2023
6.	Exhibit-P-3/2	Medical report dated 09.03.2023
7.	Exhibit-P-4	Statement of PW1 u/s 164 of Cr.P.C

B. Defence Exhibits :

Sr. No.	Exhibit No.	Description
	NIL	

C. Court Exhibits :

Sr. No.	Exhibit No.	Description
	NIL	NIL

D. Material Objects :

Sl. No.	Mat Exhibit Nos.	Description
	NIL	NIL

Dated, Krishnagar, the 2nd day of August, 2025

This Court delivered the following:

J U D G E M E N T

1. The Prosecution case in a nutshell is that the defacto-complainant had lodged a complaint before the Kotwali PS, Nadia on 04.03.2023 to the effect that she (victim) met with the accused in her maternal uncle’s house in the year 2022. Thereafter, a love affair developed in between them and upon promise to marry her, the accused induced her to get involved in physical relationship with her in a hotel at Mayapur. As such, she had been compelled to initiate the proceeding vide the instant complaint before the Kotwali PS, Nadia against the accused person namely, Sanjoy Biswas.
2. On receipt of the said complaint, Kotwali P.S. case bearing No. 196 of 2023 dated 04.03.2023 **u/s 417/376** of the Indian Penal Code (hereinafter referred to as the I.P.C.) has been started against the above-named accused person. After completion of the investigation, the Charge-Sheet bearing No. 295/2023 dated 26.03.2023 has been submitted u/s **417/376** of the Indian Penal Code against the above FIR named accused person.

3. Accordingly, in this Court, the accused person has been explained about the contents of the accusation, to which he has pleaded “not guilty” and has even claimed to be tried under sections **417/376** of the Indian Penal Code. After conclusion of the trial, the above-named accused person has been examined u/s 313 of the Code of the Criminal Procedure (hereinafter referred to as the Cr.P.C). The defence case as it appears from the trends of cross-examination of the Prosecution witnesses and examination u/s 313 of the Cr.P.C is the plea of innocence and denial of the prosecution story. Needless to say, the accused person has declined to adduce any evidence on their part.

EVIDENCE & THE DOCUMENTS EXHIBITED

4. In course of trial, the Prosecution has examined two (02) witnesses namely Victim herself and her father as P.W-1 and PW-2 respectively. Prosecution has admitted into evidence certain documents and caused the same to be marked as Exhibits, which have been stated above.

5. POINTS FOR CONSIDERATION

(i) Whether the Prosecution has been able to prove its case against the accused person for the offence of committing physical relationship with the victim with deceitful means upon promise to marry her which is punishable u/s **417/376** of the I.P.C ?

(ii) Whether the accused person is guilty of the offences under section **417/376** of the I.P.C ?

DECISIONS WITH REASONS

6. While advancing with the argument, the Ld. Advocate for the accused person has submitted that there is no positive evidence adduced by any of the prosecution witnesses so as to enable this Court to punish or at least relate him for/with the offence u/s **417/376** of the I.P.C. According to him, the Prosecution case is nothing but a cock and bull story and that the accused person has been falsely implicated in the instant case.

Now, let us again tread on to the alleged incident in question so as to evaluate the charges labeled against the accused person.

Appreciation of Evidence of the Prosecution witnesses together with the documents filed :

7. Incident through the eyes of the defacto-complainant:

The **Prosecutrix/defacto-complainant** of this case, had deposed on 11.09.2023 as **P.W-1** to that effect that she had lodged the complaint of this case before Kotwali PS against the accused Sanjoy Biswas. Identifying the accused on dock, she narrated that the alleged incident took place about 2 years ago at around 5:00 PM at Kulipara field, when a hot altercation had began in between her and the accused following a quarrel and nothing more. Accordingly, she identified the entire complaint lodged by her along with her signature there on as well as her endorsement on the medical examination report dated 04.03.2023 and caused the same to be marked as **Exhibit P-1, Exhibit P-1-1 and Exhibit P-2 respectively**. She also admitted a latter dated 08.03.2023 with the prayer of her inclination towards medical examination being addressed to the I/C, Kotwali PS and caused the same to be marked as

Exhibit P-3. Pursuant to the said prayer, she had undergone the medical examination and accordingly caused her signature on the said report dated 09.03.2023 to be marked as **Exhibit P-3/1**. Likewise, she had also admitted to have given her statement before the Ld. Magistrate which was marked as **Exhibit P-4**. However, she was declared hostile by the prosecution and subsequently cross examined.

The cross-examination of P.W-1 reflected about her acceptance of the alleged incident to be a mere quarrel with the accused at Kulipara field, in the midst of which she fell down on the bushes of rose and accidentally got hurt by the thorns thereof. Not only this, it was even admitted by her that she had lodged this case impulsively out of anger against and misunderstanding with Sanjoy. Besides, she had also contended to have given her version before the Ld. Magistrate as tutored by the police and that she stated nothing before the doctor or the police regarding the alleged incident. Lastly, she concluded by saying the complaint was even drafted as per instruction of the police and that she had merely put her signature thereon without going through its contents.

8. Incident through the eyes of the mother of the Victim:

P.W-2 introduced herself to be the mother of the victim who had lodged the instant complaint before Kotwali PS against the accused, Sanjoy Biswas, whom she identified on dock on 23.07.2025. However, besides alleging of a love affair in between her daughter and the accused, she could not add any input to the alleged incident. Her cross examination exposes only denial of the suggestion put to her.

11. DECISION WITH REASONS

Now, let me begin my exegesis with regard to the factual matrix of the instant case in the light of the aforesaid propositions of law together with taking into account the observations in the different cases from time to time with regard to the sections charged in the instant case.

Argument as regards the date, time and place of the alleged incident :

9. The date, time and place of occurrence of any incident is considered as the elementary features of its happening. These three pillars form a stepping stone with regard to elucidating the occurrence of an incident. After vivid study and thorough scrutiny of the materials on record, it reveals that the victim has only given a reference of two years prior to her deposition on 11.09.2023 that the alleged incident has occurred, which more or less comes out to be correct. The time and place spelt out by her on dock also transpire to tally with the materials available on record.

Arguments as regards the offence alleged of:

10. Now, if the ocular evidence of the defacto complainant (P.W-1) is minutely tallied with the complaint (**Exhibit P-1**), this court finds hell and haven difference between the two. To elaborate, the complaint at least ventilates the alleged incident with the aspersion on the accused to have committed rape upon the victim through deceitful means by alluring with the promise to marry her. However, said PW1 has absolutely kept mum with regard to the same. She has rather referred the incident as a mere misunderstanding in between her and the accused which has prompted her to act impulsively by

initiating this case. Even the statement shown to have been delivered by her before the Ld. Magistrate and Doctor has been denied by her on dock. On the contrary, P.W-1 has disputed her own version before the Ld. Magistrate to have been given as tutored by the police.

Argument as regards the knowledge of the alleged incident by the corroborative witness :

11. It is only the mother of the victim (P.W-2) who has adduced her evidence, but without supporting the case of the prosecution. Her statement only alleges of love affair in between her victim daughter and that of the accused, but failing to enlighten this Court with anything more attracting the alleged offense. Furthermore, the record speaks lack of endeavor been taken on the part of the prosecution to unearth the truth by adducing any other corroborating witness.

12. Taking the continuation of the earlier discussion and also keeping in view the spirit of Section 114 of the Indian Evidence Act, 1872 which refers to common course of natural events, human conduct, public and private business, it is weird to this Court as to if any such incident has at all occurred, the mother of the victim must have shared her version to raise protest against any such act inflicted upon her by the accused. But in the instant case, the picture is absolutely otherwise as neither the victim herself nor her mother has provided any input with regard to the prosecution case as against normal course of human conduct.

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13. To sum up, the Prosecution case, as canvassed in black and white coupled with the oral testimony in hand, do fail to constitute the essentials to constitute the offences charged against the accused persons. Therefore, the conglomeration of the aforesaid discussion do pose an unsurmountable obstacle for the Prosecution to prove the guilt of the accused persons beyond the shadow of slightest doubt.

Hence, it is,

ORDERED

that the accused person namely Sanjoy Biswas is found not guilty for the offence punishable under section **417/376** of the Indian Penal Code and he is hereby acquitted u/s 235 (1) of the Cr.P.C.

Accused person be set at liberty at once and be released from his bail bond. Sureties are also discharged of their liability.

Let a copy of this judgment of acquittal be forwarded to the District Magistrate, Nadia & Secretary, DLSA, Nadia under proper official memo for due intimation to the victims as defined Under Section 2 (wa) of the Code of Criminal Procedure, 1973.

Let the names along with other details of the victim in this case be sent to Secretary, DLSA, Nadia in a separate sealed envelope for sake of anonymity under proper official memo.

Dictated and corrected by me,

Sd/-
(Sanghamitra Chatterjee)
Additional Sessions Judge
FTC-IV, Krishnagar
02.08.2025

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(Sanghamitra Chatterjee)
Additional Sessions Judge
FTC-IV, Krishnagar
02.08.2025