

The following Form A to Form C shall be inserted in chapter IV – Miscellaneous Forms as Form No. (M) 34 to Form No. (M) 36 respectively.

Form A

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                           |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|
| IN THE COURT OF ADDITIONAL DISTRICT AND SESSIONS<br>JUDGE, FAST TRACK, 2ND COURT, SEALDAH<br>Present: Parna Bhattacharya, Additional Sessions Judge,<br>Fast Track, 2 <sup>nd</sup> Court, Sealdah (JO Code WB01015)<br>[Date of the Judgment :07.08.2026]<br>[S.T. Case No.01(07) 2026]<br>[S.C. Case No.74 of 2026]<br>[C.I.S. No.74/2026]<br>[C.N.R. No.WBSP07 001383 2026]<br>(Narkeldanga PS Case No.480, dated 30.11.2022,<br>U/Sec.341/323/354D/506/114 of Indian Penal Code) |                                           |
| Complainant                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | State of West Bengal                      |
| REPRESENTED BY                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Sri Uttam Kumar Ghosh                     |
| ACCUSED                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Dinesh Das and Umesh Das                  |
| REPRESENTED BY                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Sri Indrajit Ghoshand Sri Amar Kr. Mondal |

FORM B

|                                    |            |
|------------------------------------|------------|
| Date of Offence                    | 29.11.2022 |
| Date of FIR                        | 30.11.2022 |
| Date of Charge Sheet               | 19.07.2025 |
| Date of framing of Charges         | 20.07.2026 |
| Date of commencement of Evidence   | 29.07.2026 |
| Date on which Judgment is reserved | 07.08.2026 |
| Date of the Judgment               | 07.08.2026 |
| Date of Sentencing Order, if any   | N.A        |

Accused details:

| Rank of the accused | Name of Accused | Date of arrest | Date of release on bail | offence charged with | Whether acquitted or convicted | Sentence imposed | Period of Detention Undergone during Trial for purpose of Section 428, Cr.P.C. |
|---------------------|-----------------|----------------|-------------------------|----------------------|--------------------------------|------------------|--------------------------------------------------------------------------------|
| 1.                  | Dinesh Das      | 30.11.2022     | 07.11.2023              | 376/506 of IPC       | Acquitted                      | Not applicable   | Not applicable                                                                 |
| 2.                  | Umesh Das       | 01.12.2022     | 01.12.2022              | 376/506 of IPC       | Acquitted                      | Not applicable   | Not applicable                                                                 |

Form C

LIST OF PROSECUTION/DEFENCE/COURT WITNESSES

A. Prosecution:

| RANK | NAME           | NATURE OF EVIDENCE<br>(EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS) |
|------|----------------|--------------------------------------------------------------------------------------------------------------------|
| PW1  | The Victim 'X' | As PW-1 and                                                                                                        |
| PW2  | Mahesh Das     | As husband of the victim                                                                                           |

B. Defence witnesses, if any: Nil

C. Court Witnesses, if any: Nil

LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS

A. Prosecution:

| Sr. No. | Exhibit Number    | Description                                 |
|---------|-------------------|---------------------------------------------|
| 1       | Exhibit- P-1/PW1  | Written Complaint                           |
| 2       | Exhibit - P-2/PW1 | Statement of the victim U/Sec.164 of Cr.P.C |

B. Defence: Nil

**C. Court Exhibits: Nil**

**D. Materials Objects: Nil**

**J U D G M E N T**

The case of the prosecution in succinct form is that one 'X' has lodged a Written Complaint before P.S Narkeldanga to the effect that on 29.11.2022 at about 22 hours at her residence, the accused persons being aided and abated with each other tore the wearing apparels of the said victim to disrobe her and on protest they threatened her with dire consequences and assaulted her with fists and blows, besides committing rape upon her.

On the basis of the said written complaint as lodged by the de-facto complainant, this instant case being Narkeldanga P.S Case No.480, dated 30.11.2022 was initiated U/Sec.341/323/354D/506/114 of I.P.C added Sections 376D/379 of IPC.

I.O after due investigation has submitted Charge Sheet vide CS No.304/2024, dated 19.07.2025, U/Sec.341/323/376D/34 of IPC.

As the offence U/Sec.376D of IPC is exclusively triable by the Court of Sessions, the instant case was committed (U/Sec.209 of Cr.P.C) to the Court of Additional District and Sessions Judge, 1<sup>st</sup> Court, Sealdah, who was pleased to transfer the case record before this Court for trial (after Ld. Additional Chief Judicial Magistrate, Sealdah took cognizance of offence U/Sec.190(1) (b) of Cr.P.C and copies were supplied U/Sec.207 of Cr.P.C).

On 20.07.2026 Charge U/Sec.341/323/376D/34 of IPC is framed against both the accused persons. The contents of charge U/Sec.341/323/376D/34 of IPC is read over and explained to the accused persons in plain Bengali language to which the accused have pleaded 'not guilty' and claimed to be tried.

**Evidence on Record:**

In order to establish this case, the prosecution has examined the two witness, they are:-

1. The Victim 'X' as PW-1 and

2. Mahesh Das, the husband of the victim as PW-2.

This apart, the following documents are marked as Exhibits, they are:-

|   |                             |                                                      |
|---|-----------------------------|------------------------------------------------------|
| 1 | Exhibit- P-1/PW1            | Written Complaint                                    |
| 2 | Exhibit – P-2<br>Series/PW1 | Statement of the victim recorded U/Sec.164 of Cr.P.C |

On 07.08.2026, both the accused persons are examined U/Sec.313 of Cr.P.C with all necessary statutory warnings to which they have pleaded their innocence.

**POINTS FOR DETERMINATION:**

Did the accused persons stands guilty to the Charge U/Sec. 341/323/376D/34 of IPC?

**DECISION WITH REASONS:**

It is to be seen as to how far the prosecution is able bring home the advantage of this case.

In this instant case, the victim has not said any light about the incident by stating anything incriminatory against both the accused persons and has stated on dock that all the previous cases by and between the parties have been amicably settled between themselves and that she harbours no grudge against the accused persons.

PW-2, her husband Mahesh Das has pleaded his total ignorance regarding the subject matter of the dispute and has unequivocally stated that the lis of the case has been settled by and between the parties and that police has not interrogated him in this case connection.

Under such facts and circumstances, I find that the prosecution has failed to establish this instant case beyond the shadow of every reasonable doubt to the effect that both the accused have committed rape upon her, being aided and abated with each other and caused wrongful restrained to the victim, besides causing hurt to her, by piercing the veil of innocence surrounding the accused persons. Naturally, the benefit of doubt cannot be denied to the accused persons and they are entitled for acquittal to meet the best interest of justice.

Before parting, I would hasten to that **Lord Denning** has one observed that in Criminal Trial for acquittal of the accused on the ground of doubt, the doubt must be of a reasonable man and a standard adopted by a reasonable and just man for coming to a conclusion considering the particular subject matter.

Hence, it is,

**Ordered**

That both the accused persons viz. 1) Dinesh Das and 2) Umesh Das are found not guilty of U/Sec.341/323/376D/34 of IPC is acquitted U/Sec.235(1) of Cr.P.C.

The accused persons are released from his respective bail bonds and set at liberty at once.

Surety is also discharged.

Note in the register and CIS.

Let a copy of this Judgment be sent to D.M., South 24-Parganas and Ld. Secretary, DLSA, South 24-Parganas, Alipore, as the accused as well as the victim has also the right to prefer an appeal against this Judgment and Order of acquittal in terms of proviso of Sec.372 of Cr.P.C and to avail Free Legal Aid Services as per entitlement in terms of the decision of Hon'ble High Court at Calcutta dated 29.03.2022 in **Sabitri Bhunya Vs. State of West Bengal and Others (CRA 266 of 2020/CRAN 1 of 2020)**.

Dict. & Corr. by me :

Additional Sessions Judge,  
Fast Track, 2<sup>nd</sup> Court, Sealdah  
JO Code WB01015

Addl. Sess. Judge.  
Fast Track, 2<sup>nd</sup> Court, Sealdah.