

**IN THE COURT OF JUDICIAL MAGISTRATE 1st CLASS,
5th COURT, Barrackpore, North 24 parganas**

GR – 2163/22

TR – 66/23

CIS No.- GR 44/23

CNR No. WBNP 150049222023

JO Code - WB01288

PRESENT : Sri Tanmoy Roy

Date of Judgment : 15.01.25

State

Vs

- 1) Chiranjit Paul**
- 2) Chittaranjan Paul**
- 3) Chintamoni Paul**

.....(Accused persons)

JUDGMENT

The allegation u/s 498A/406/34 of IPC arising out of the Titagarh P.S. case no.-192/22 dated 12.03.22.

Factual back drop of the case:

The prosecution case arises from a Written complaint filed by the de facto complainant Arpita Paul before Titagarh PS. The nut shell of the prosecution case is that on last 17.04.19 DC got married to Chiranjit Paul according to Hindu Rituals and customs. After marriage DC went to accused persons house and started residing there. That accused persons started mental and physical torture upon DC on demand of dowry. On 08.002.21 accused persons assaulted and attacked. Then DC went to her parental house. Then DC called her husband to return back her but her husband not interested. Then DC alone went to her matrimonial

house. Accused persons again assaulted and attacked her after few days. On 26.07.21 accused persons driven her out from her matrimonial house. DC's all stridhan articles were entrusted by DC's in laws. In this circumstances, the present complainant filed this present case.

On the basis of the Written Complaint before Titagarh P.S. case no.-192/22 dated 12.03.22 investigation commenced. After completion of investigation, the I/O of this case filed charge-sheet against the accused persons u/s 498A/406/34 of IPC.

After charge-sheet being filed, the Ld. ACJM, Barrackpore took cognizance of the same and the case record was transferred to this court for trial and disposal.

CHARGE

After the case record being transferred to this court, this court examined the accused person u/s 240 of Cr.P.C. they pleaded not guilty and claimed to be tried. After considering the prima-facie materials on record, this court framed formal charge u/s 498A/406/34 of IPC against the accused persons.

Commencement of trial and examination of the accused persons u/s 313 of Cr.P.C.

After charge is framed, the trial commenced by taking evidence of prosecution witnesses. After completion of evidence, the accused persons were examined u/s 313 of Cr.P.C. and They pleaded innocence for the second time

and claimed that they are not guilty. But they stated they are not going to give any evidences from their side.

Evidences Adduced:

Following evidences/witnesses has been from the prosecution side:-

1. Arpita Pal i.e. DC as PW 1.

Points For Consideration

- 1) Whether the accused person have committed the offense u/s 498A/406/34 of IPC ?
- 2) Whether the prosecution has proved the guilt of the accused persons beyond reasonable shadow of doubt?

Decision With Reasons

Prosecution has to established the guilt of the accused person by dint of corroborating evidence.

Arpita Pal has deposed as PW-1. PW 1 in her chief stated that she is deposing before this court out of her own volition and willingness. In her evidence she further stated that she does not remember anything about the contents of her complaint . In her cross-examination PW 1 stated that she has filed the present complaint out of misunderstanding and does not have any objection if the accused persons are acquitted from this case.

From the evidence of PW-1, it is clear that the present case is an outcome of misunderstanding in between DC and accused person. If this is so the

evidence on record and considering such I am opined that the present case is nothing but a mere misunderstanding in between the parties. Accordingly, the prosecution case lose its gravity and both the points for consideration are determined against the prosecution.

Hence, it is,

ORDERED

that the accused persons, namely, Chiranjit Paul, Chittaranjan Paul and Chintamoni Paul are acquitted u/s 248(1) of Cr. P.C.

They are set at liberty at once. Accused persons are discharged from their bail bonds. Sureties are also discharged from the bail bonds.

Let a copy of this judgment be sent to SDLSC, Barrackpore and a copy free of cost to the De-facto Complainant.

Judicial Magistrate
5th J.M Court, Brrackpore.

Judicial Magistrate
5th J.M Court, Barrackpore.