

**IN THE COURT OF ADDITIONAL CHIEF JUDICIAL MAGISTRATE,
KAKDWIP, SOUTH 24 PARGANAS**

Present : Tshering Wangchuk Bhutia
(JO Code : WB01270)
Additional Chief Judicial Magistrate,
Kakdwip, South 24 Parganas.

Date of the Judgment : 18/07/2025

Case No. G.R. 1442/2022
CIS Registration No. 82/2022

(Gangasagar Coastal PS Case no. 72/2022 dated 24/06/2022)

Complainant	State of West Bengal
Represented by	Ld. A.P.P. Shantanu Mondal
Accused	Sankar Gayen and four others
Represented by	Ld. Advocate Pranab Halдар

Date of offence	23-06-2022
Date of FIR	24-06-2022
Date of Charge sheet	08-08-2022
Date of framing of charges	15-05-2025
Date of commencement of evidence	19-06-2025
Date on which Judgment is reserved	N.A.
Date of the Judgment	18-07-2025
Date of the sentencing order, if any	N.A.

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 purpose of section 428, Cr.P.C.
1.	Shankar Gayen	N.A.	30-06-2022	U/s. 498A/325/34 I.P.C.	Acquitted	N.A.	N.A.
2.	Sumana Das	N.A.	30-06-2022	U/s. 498A/325/34 I.P.C.	Acquitted	N.A.	N.A.
3.	Prabhati Das	N.A.	30-06-2022	U/s. 498A/325/34 I.P.C.	Acquitted	N.A.	N.A.

4.	Buddhadeb Das	N.A.	30-06-2022	U/s. 498A/325/34 I.P.C.	Acquitted	N.A.	N.A.
5.	Kanan Gayen	N.A.	30-06-2022	U/s. 498A/325/34 I.P.C.	Acquitted	N.A.	N.A.

LIST OF PROSECUTION / DEFENCE / COURT WITNESSES

A. Prosecution :

RANK	NAME	Nature of evidence (Eye witness, Police witness, Expert witness, Medical witness, Panchwitness, Other witness)
P.W. 1	Mayna Das Gayen	De Facto complainant cum victim
PW2	Renuka Das	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.	Exbt. 1	FIR

B. Defence : Nil.

C. Court Exhibits : Nil.

D. Material Objects : Nil.

JUDGMENT

Fact of the case

1. The instant case originated on the basis of written FIR lodged by the de facto complainant namely, Mayna Das Gayen at Gangasagar Coastal P.S. The Prosecution case in short is that a love relationship between the De facto complainant and accused no. 1 ended up in marriage. Then the De facto complainant went to her matrimonial house and started her conjugal life. It is alleged that the accused no.1 started to physically and mentally abuse the Defacto complainant. It is alleged that accused no.1 used to get drunk regularly and beat up the Defacto complainant. The remaining accused persons also allegedly joined in to abuse the De facto complainant. In due course the De facto complainant gave birth to a daughter, but the birth of child did not change anything. The De facto complainant was regularly taunted for change in her physical appearance. On 23/06/2022 at around 11 AM, the accused persons allegedly assaulted the De facto complainant with wooden patten. Renuka Das, relative of De facto complainant allegedly tried to intervene, but she was also assaulted. Both the victims sustained injuries. Then the De facto complainant approached local PS and lodged FIR against the accused persons.
2. Gangasagar Coastal PS after receiving the FIR, registered the same and SI Mrinmoy Ghosh was tasked to investigate the matter. After completion of investigation the I/O filed C.S. bearing no. 75/2023 dated 30/06/2022 U/s. 498A/325/34 I.P.C. against all FIR named accused persons. Cognizance was taken and record was transferred to this Court for trial.
3. Charges U/s. 498A/325/34 I.P.C. was framed against the accused persons. They pleaded not guilty and claimed to be tried. The prosecution produced two witnesses to prove its case. Thereafter the accused persons were examined u/s. 313 of CrPC. They declined to adduce any defence witness.

POINTS FOR DETERMINATION

Point no. 1 : Whether the accused persons committed any offence punishable u/s. 498A/325/34 of the I.P.C. ?

Point no. 2 : Whether the prosecution has been able to prove its case beyond any reasonable doubt or not ?

DECISION WITH REASONS

1. All the points are taken up together for discussion and decision thereupon as they are interlinked.
2. It is settled principle that in trial of criminal case the prosecution is under obligation to prove its case beyond all reasonable doubts. The accused persons are presumed to be innocent until and unless the prosecution is able to bring home the charges by adducing cogent and unimpeachable evidence.
3. The prosecution produced and examined its best witness i.e. the Defacto complainant cum victim as PW 1 and another victim as PW2. Defacto complainant examined as PW1 deposed that there was continuous dispute between her and the accused persons regarding household works. She further deposed that nothing else happened. The witness failed to elaborate the nature of dispute. She failed to highlight any incident of assault, taunting etc. PW2 is another victim of the case. The witness failed to highlight anything significant.
4. The foundation of this case is based on the allegation that Defacto complainant was continuously subjected to physical and mental abuse at her matrimonial house. On 23/06/2022, the Defacto complainant was allegedly assaulted brutally and Renuka Das (Aunt of Defacto complainant) was also assaulted after they tried to intervene. But the Defacto complainant and another victim examined as PW 1 and 2 respectively failed to highlight any of the aforesaid incidents. There is no materials to show that witnesses were coerced in any manner.
5. In view of materials on record, it is clear that the prosecution has failed to prove its case beyond any reasonable doubt against the accused persons. Both points for consideration is decided against the prosecution. The accused persons merits acquittal from this case.

6. Hence, it is,

ORDERED

That the accused persons are found not guilty of committing offence punishable u/s 498A/325/34 of IPC and are hereby acquitted u/s. 248 (1) of Cr.P.C. The accused persons are hereby set at liberty. The surety is discharged from the obligation under the bail-bonds.

Note in the relevant register.

D/C By me

sd/-

sd/-

**Additional Chief Judicial Magistrate
Kakdwip, South 24 Parganas.**

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Kakdwip, South 24 Parganas.**