

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 : 17-02-2026 G.R. 1446/2022 CIS 83/2022 CNR No. WBSP17-000956-2022 (Dholahat P.S. Case No. 302/2022 dated 25/06/2022)	
Complainant	State of West Bengal
Represented by	Ld. A.P.P. Shantanu Mondal
Accused	Purnachandra Chandra Sardar and 03 others
Represented by	Ld. Advocate Dip Roy

Date of offence	05/06/2022
Date of FIR	25/06/2022
Date of Charge sheet	16/08/2022
Date of framing of charges	30/01/2023
Date of commencement of evidence	23/03/2023
Date on which Judgment is reserved	N.A.
Date of the Judgment	17/02/2026
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	Purna Chandra Sardar	N.A.	02/07/2022	U/s. 498A IPC & U/S. 4 of DP Act	Acquitted	N.A.	N.A.
2	Droupadi Sardar	N.A.	02/07/2022	U/s. 498A IPC & U/S. 4 of DP Act	Acquitted	N.A.	N.A.

3	Kanan Sardar	N.A.	02/07/2022	U/s. 498A IPC & U/S. 4 of DP Act	Acquitted	N.A.	N.A.
4	Brihaspati Sardar	N.A.	02/07/2022	U/s. 498A IPC & U/S. 4 of DP Act	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	Uma Sardar	De facto Complainant

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	Written 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, Uma Sardar. The prosecution in short is that the de facto complainant got married to accused no. 1 as per Hindu rites and customs. It is claimed that at the time of marriage cash, ornaments and household items were given by father of de facto complainant. Thereafter the de facto complainant went to her matrimonial house and started conjugal life. It is alleged that few days after marriage the accused persons told the de facto complainant to bring more money and articles from her paternal house. The failure to fulfill the demands led to continuous physical and mental torture. It is alleged that the de facto complainant was denied proper food, clothing and medical care. In course of time the de facto complainant gave birth to her two children, but the same did not change anything. The torture upon de facto complainant continued. It is alleged that the accused no. 1 and 4 entered into an illicit relation. Days passed but the situation did not change and finally on 05/06/2022 at around 02-30 PM the de facto complainant was assaulted for raising objection against the illicit act of the accused no. 1 and 4. Then the de facto complainant was forced out of her matrimonial house. With no alternative left the de facto complainant went to her paternal house and on 25/06/2022 lodged FIR at the local PS.

2. Dholahat PS after receiving the FIR, registered the same and SI Ujjal Das was tasked to investigate the matter. After completion of investigation the I/O filed C.S. bearing no. 351/2022 dated 16/08/2022 u/s. 498A of IPC & 3 / 4 of DP Act against FIR named accused persons. Cognizance was taken and record was transferred to this Court for trial.
3. After appearance of all the accused persons, charges u/s 498A & section 4 of DP Act was framed against them. They pleaded not guilty and claimed to be tried. The prosecution produced one witness to prove its case. After considering the evidence on record the accused persons were examined u/s. 313 of CrPC. They pleaded not guilty, but declined to produce any witness.

Points for determination

Point no. 1 : Whether the accused persons committed any offence punishable u/s 498A of IPC & section 4 of DP Act ?

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 de facto complainant cum sole victim of this case. De facto complainant Uma Sardar examined as PW 1 deposed that after marriage she went to her matrimonial house and there she was subjected to abuse for petty reasons. The witness deposed that she lodged FIR marked as Exhibit no. 1 against the accused persons and she left her matrimonial house due to continuous marital dispute.
4. The prosecution case stands on the allegation that the de facto complainant was subjected to cruelty for demand of more dowry. But the de facto complainant failed to highlight any incident of illegal demands, illicit relation and forceful ouster as mentioned in FIR (Exhibit no. 1). The witness only deposed that she was subjected to abuse for petty reasons, but she failed to elaborate the nature of abuse or motive behind the abuse. The de facto complainant herself failed to corroborate the contents of the FIR. There is no material to suggest that the de facto complainant was coerced in any manner.
5. After considering the materials on record, it is clear that the prosecution has failed to bring on record credible ocular and documentary evidence to prove beyond reasonable doubt, that the accused persons committed offence u/s. 498A of IPC and section 4 DP Act. In absence of credible evidence the accused persons merit acquittal from this case. Both the points for consideration is decided against the prosecution.

6. Hence, it is,

ORDERED

That the accused persons are found not guilty of committing offence punishable u/s 498A & section 4 of DP Act and are hereby acquitted u/s. 248(1) of CrPC. The accused persons are hereby set at liberty. The surety is discharged from the obligation under the bail-bonds.

Note in the relevant register.

Dictated and Corrected by me.

Additional Chief Judicial Magistrate
Kakdwip, South 24 Parganas.

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