

IN THE COURT OF ADDITIONAL SESSIONS JUDGE, TEHATTA, NADIA

Present : **Sri Sanjoy Ranjan Paul,(WB 00746)**
Addl. Sessions Judge, Tehatta, Nadia.

S.C. – 415 of 2022
S.T. -205 of 2023

Charge U/S. 376/417/506 of IPC.

State of West Bengal
vs.
Sanatan Mondal

.....Accused person

Order No. 03, dated 08.04.24

Accused person namely Sanatan Mondal on bail is present physically by filing hajira with Ld. Advocate. The Ld P.P.-in-charge is also present.

Today is fixed for appearance, examination of accused person u/s 313 Cr.P.C.

Record is now taken up for examination u/s 313 Cr.P.C. There is no material in evidence to examine him u/s 313 Cr.P.C.

Record is now taken up for argument as per submissions of the Ld. Advocates of the parties to expedite the mater.

Heard argument on the part of the Ld. Advocates of both sides.

Fixed today at 3.00 p.m. for delivery of judgement.

Addl. Sessions Judge,
Tehatta, Nadia.

Additional Sessions Judge,
Tehatta, Nadia.

LaterOrder No. 04, dated 08.04.24

It is now 3.00 p.m. Record is now taken up for delivery of judgement.

The accused person namely Sanatan Mondal faced trial for the charge punishable u/s 376/417/506 of I.P.C.

The prosecution examined only two witnesses namely Chinta Das Bairagya and Manu Das Bairagya in this case.

PW1- Chinta Das Bairagya, defacto complainant, deposed that she lodged the complaint against the accused person namely Sanatan Mondal. She identified the accused Sanatan Mondal in courtroom. She proved the written complaint and her signature on the medical report which have been marked as exhibit P1 & P2 respectively. She also proved her two statements u/s 164 Cr.P.C. and her signatures on those which have been marked as Ext. P3 (statement dated 22.12.21) and Ext. P4 (statement dated 11.07.22) . She deposed further that she came in contact with the accused about four years back and the accused was residing at her neighbouring village Darermath and he is an employee of BSF and posed in Kashmir. She deposed that the incident took place about four and half years back and she tried to make him

Contd Order No. 16 dated 01.08.2023

contact over phone but unable to contact and so she became angry lodged the case. She deposed that she was examined by IO. During cross-examination, she stated that she did not know the content of the written complaint and she could not recollect what she has stated before police and Ld. Magistrate. She stated that out of grudge she lodged the complaint against the accused.

PW-2 Manu Das Bairagya deposed that her daughter lodged the complaint before Murutia PS against the accused. She identified the accused on dock. She deposed that her daughter has love affairs with the accused and she came in contact with the accused about 4 years back. She further deposed that the accused was residing at her neighbouring village Darermath and he is an employee of BSF and posted in Kashmir. She deposed further that the incident took place about four and half years back and her daughter has tried to make him contact over phone but unable to contact and then she became angry lodged case. Her cross-examination was declined.

After exhausting the witnesses of fact and hearing both the sides, I was constrained to close evidence for the prosecution as per prayer of the Id. PP. The accused person has not been examined u/s.313 of Cr.P.C as there is no material to examine him.

After considering all materials on record and having look and regard to the evidence on record, I find that this is a case of no evidence and the accused person should be acquitted for the offence punishable U/S. 376/417/506 of IPC.

Hence, it is,

ORDERED

That, the accused person namely Sanatan Mondal is found not guilty for the offence punishable u/s 376/417/506 of IPC.

He is hereby acquitted from the charge u/s.232 of Cr.P.C. He is freed from his respective charges.

He is also discharged from their respective bail bond. The sureties are discharged from their responsibility regarding the bail bond. The accused person be set at liberty at once.

Alamat, if any, be disposed off as per rule after the appeal period is over.

Dictated & Corrected by me.

Addl. Sessions Judge,
Tehatta, Nadia.

Additional Sessions Judge,
Tehatta, Nadia.

