

FORM A
IN THE COURT OF JUDICIAL MAGISTRATE, KALNA, PURBA
BARDHAMAN

Present: Debojit Das (J.O. Code: WB01370)

Judicial Magistrate, Kalna Purba Bardhaman

GR 256 of 18 (Reg. No. 165 of 19)

T.R. no. 82 of 19

Date of Judgment: 11.6.2026

Details of FIR/Crime and Police Station

Complainant	State of West Bengal
Represented by	Ld. APP, Rupam Majumder
Accused	Sachin Mondal
Represented by	

FORM B

Date of offence	7.3.18
Date of FIR	11.3.18
Date of Charge sheet	30.4.18
Date of framing of Charges	30.11.22
Date of commencement of Evidence	21.01.23
Date on which judgment is reserved	N.A.
Date of the judgment	11.6.26
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 the purpose of Section 428 CrPC
1.	Sachin Mondal			u/S 448, 504, 509, 354B IPC	Acquitted	N.A	N.A

FORM C

LIST OF PROSECUTION/ DEFENCE/ COURT WITNESSES Prosecution

RANK	NAME	NATURE OF EVIDENCE (E Y E WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
P.W-1	Mahua Halder	Informant/victim
P.W-2	Jiban Halder	Witness
P.W-3	Bijoy Halder	Witness
P.W-4	Kush Majhi	Witness
P.W-5	Ram Halder	Witness

Defence Witnesses, if any:

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
D.W-1	N.A	N.A

Court witness, if any:

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
C.W-1	N.A	N.A

LIST OF PROSECUTION/DEFENCE EXHIBITS/COURTS EXHIBITS

Prosecution

Sr. No.	Exhibit No.	Description
1.	Exhibit P1/1	The signature of PW1 in the written complaint

Defence

Sr. No.	Exhibit No.	Description
1.	N.A	N.A

Court Exhibit

Sr. No.	Exhibit No.	Description
1.	N.A	N.A

Material Objects

Sr. No.	Material Object No.	Description
1.	NA	NA

J U D G M E N T

Facts of the Case

1. As per the charge sheet, on 11.3.18 at about 18:15 hours, a written complaint was lodged at Nadanghat Police Station by the informant, namely Mahua Halder. In the complaint, it was alleged that on 7.3.18 at about 8 hrs. the accused Sachin Mondal came to her house to buy goat while her husband and other family members were not present and he protested her for sexual intercourse and when she protested, he outraged her modesty, torn her wearing apparel. It is alleged that when the witnesses came to the spot hearing her hue and cry, the accused fled.

FIR and Investigation

2. Pursuant to the informant's complaint, FIR was registered, and an investigation was conducted by the Investigating Officer (I.O.). Upon conclusion of the investigation, a charge sheet (No. 88) was submitted under Sections 448, 504, 509 and 354B IPC against the **sole** accused. Cognizance of the offences was taken by the competent Court, and the case was subsequently transferred to this Court for adjudication.

Framing of Charge

3. This Court framed charges against the accused under Sections 448, 504, 509 and 354B IPC. The charges were read over and explained to the accused. The accused pleaded "Not Guilty" and claimed to be tried.

Evidence on Record

4. During the trial, the prosecution examined the informant/victim namely Mahua Halder as PW1, Jiban Halder as PW2, Bijoy Halder as PW3, Kush Majhi as PW4 and Ram Halder as PW5. This Court, mindful of the constitutional mandate under Article 21 of the Constitution of India guaranteeing a speedy trial, after evaluating the evidence already on record, closed prosecution evidence.

Examination of the Accused under Section 313 Cr.P.C.

5. The statements of the accused were recorded under Section 313 of the Cr.P.C., wherein the accused categorically denied all allegations

levelled against the accused. The accused declined to adduce any evidence in defence, resting the case on the denial of the prosecution's claims.

Points for Determination

6. The sole point for consideration before this Court is:
 - a) Whether the accused is guilty of committing offences punishable under Sections 448, 504, 509 and 354B IPC?
7. This Court has carefully considered the submissions of the learned counsel for both the prosecution and the defence and has meticulously perused the evidence on record. The analysis and findings are delineated below.

Evaluation of Prosecution Evidence

8. PW1 Mahua Halder deposed that she lodged the complaint at Nadanghat PS against Sachin Mondal. She deposed that he is present today in the Court room, whom she identified. She deposed that the incident occurred in the year 2018 at morning time at her residence, and she lodged the complaint due to some dispute. She deposed that their dispute is amicably settled and she does not recall anything else. She further deposed that the written complaint was prepared as per her instruction and she signed it, identifying her signature which was marked as Exbt P-1/1. During cross-examination by the defence, she deposed that the Investigating Officer did not interrogate her and that she does not recall what was written in the complaint.
9. PW2 Jiban Halder deposed that he knows the informant, who is his neighbour. He deposed that he does not know why she lodged the complaint. During cross-examination by the defence, he deposed that the I.O. did not interrogate him.
10. PW3 Bijoy Halder deposed that he does not know the informant personally, but she is his neighbour. He deposed that he does not know why she lodged the complaint. During cross-examination by the defence, he deposed that the I.O. did not interrogate him.
11. PW4 Kush Halder deposed that he knows the informant, who is his neighbour. He deposed that he does not know why she

lodged the complaint. During cross-examination by the defence, he deposed that the I.O. did not interrogate him.

12. PW5 Ram Halder deposed that he knows the informant, who is his neighbour. He deposed that he does not know why she lodged the complaint. During cross-examination by the defence, he deposed that the I.O. did not interrogate him.

Decision with Reasons

13. The prosecution is required to prove beyond reasonable doubt that the accused committed the offences charged. In the present case, the charges are grave in nature, particularly those under Sections 354B and 509 IPC, which concern the dignity and modesty of a woman. However, the seriousness of an allegation cannot substitute the requirement of proof. Conviction can be based only upon reliable and substantive evidence adduced before the Court.

14. At the outset, it is noteworthy that the alleged occurrence took place on 07.03.2018, whereas the FIR was lodged on 11.03.2018, after a delay of about four days. The prosecution has not led any evidence explaining such delay. In cases involving allegations of outraging modesty, delay is not invariably fatal, as victims may hesitate to approach authorities. Nevertheless, where the prosecution evidence itself fails to establish the occurrence, the unexplained delay becomes an additional circumstance requiring careful scrutiny.

15. The prosecution case rests primarily upon the testimony of PW1 Mahua Halder, the alleged victim. According to the FIR, the accused entered her house under the pretext of purchasing a goat, proposed sexual intercourse, outraged her modesty, tore her wearing apparel and fled upon the arrival of local people. However, none of these allegations have been substantiated during trial.

16. PW1 did not narrate the alleged occurrence before the Court. She merely stated that she lodged the complaint against the accused due to some dispute, that the dispute has now been amicably settled and that she does not recall anything else. She did not depose that the accused entered her house, proposed sexual intercourse, touched her inappropriately, used criminal force, tore her clothes, abused her or uttered any words affecting her modesty.

17. Significantly, PW1 did not describe any act whatsoever constituting an offence under Sections 354B or 509 IPC. She also did not depose regarding any house trespass or intentional insult. Thus, the principal witness and alleged victim has completely failed to support the prosecution case.
18. Though PW1 identified the accused in Court and identified her signature on the written complaint, such facts merely establish that she lodged the complaint. The contents of the complaint do not become substantive evidence merely because its maker admits her signature. The allegations contained therein must be proved through oral testimony and other admissible evidence.
19. During cross-examination, PW1 stated that she does not recall what was written in the complaint. Consequently, even the contents of the complaint remain unproved through her evidence.
20. The remaining witnesses do not support the prosecution case either. PW2, PW3, PW4 and PW5 are neighbours of the informant. According to the FIR, local persons rushed to the place of occurrence after hearing the victim's cries and the accused fled. Therefore, independent neighbours would have been the most natural witnesses to corroborate the prosecution version.
21. However, each of these witnesses categorically stated that they do not know why the informant lodged the complaint. None of them described the occurrence. None of them stated that they heard any cries for help. None of them stated that they saw the accused entering the house, fleeing from the spot or engaging in any misconduct.
22. Thus, every independent witness examined by the prosecution has failed to support the prosecution version. Their evidence provides no corroboration whatsoever to the allegations contained in the FIR.
23. The prosecution has therefore failed to establish the chain of events alleged in the complaint. There is no evidence proving that the accused entered the informant's house, no evidence of any proposal for sexual intercourse, no evidence regarding tearing of clothes, and no evidence that any local person arrived at the spot after hearing cries for help.
24. The offence under Section 448 IPC requires proof of house trespass. No witness has deposed regarding any unauthorized entry by the

accused into the house of PW1. Accordingly, the ingredients of Section 448 IPC remain unproved.

25. The offence under Section 504 IPC requires proof of intentional insult likely to provoke breach of peace. No witness has described any abusive language or intentional insult. Hence, this charge also fails.
26. So far as Section 509 IPC is concerned, there is no evidence that the accused uttered any word, made any gesture or committed any act intended to insult the modesty of the informant. The essential ingredients of the offence are therefore absent.
27. The gravest allegation pertains to Section 354B IPC. To establish that offence, the prosecution must prove assault or use of criminal force upon a woman with the requisite intention contemplated by the section. In the present case, the alleged victim herself has not described any such act before the Court. There is no corroborative witness. No torn wearing apparel was produced. No seizure has been proved. Consequently, the charge under Section 354B IPC remains wholly unsubstantiated.
28. The prosecution evidence therefore suffers from a fundamental deficiency. The occurrence itself has not been proved. The participation of the accused has not been proved. The essential ingredients of each charged offence remain unestablished.
29. The Court is conscious that offences against women often occur in privacy and may not always have direct independent witnesses. Nevertheless, where the victim herself does not support the prosecution case and no incriminating evidence emerges from any other witness, the Court cannot record a conviction on the basis of allegations contained in the FIR alone.
30. It is a settled principle of criminal jurisprudence that suspicion, however strong, cannot take the place of proof. The prosecution must stand on its own evidence and establish guilt beyond reasonable doubt. That burden has not been discharged in the present case.
31. Upon cumulative assessment of the entire evidence on record, this Court finds that the prosecution has failed to prove beyond reasonable doubt that the accused committed offences punishable under Sections 448, 504, 509 and 354B of the Indian Penal Code.

Hence, it is

ORDERED

that the sole charge-sheeted accused is found **not guilty** of the offences under Sections 448, 504, 509 and 354B of the Indian Penal Code. **He is** hereby acquitted under Section **248 (1)** of the CrPC.

The bail bond of the accused shall remain in force for a period of six months.

A soft copy of this judgment shall be uploaded to the Case Information System (CIS), and a certified copy shall be forwarded to the District Magistrate, Purba Bardhaman, and the Secretary, District Legal Services Authority (DLSA), Purba Bardhaman, for due intimation to the victim and for necessary action.

Typed and corrected by me.

Judicial Magistrate,
Kalna, Purba Bardhaman
JO WB1370