

**IN THE COURT OF ADDITIONAL CHIEF JUDICIAL MAGISTRATE, KALNA,
DISTRICT: PURBA BARDHAMAN.**

Present: Smt. Suparna Roy (III).
Learned Additional Chief Judicial Magistrate,
Kalna, Purba Bardhaman.
J.O Code- WB01118

G.R Case No. 2438 of 2022
(CNR No. WBB12000885-2026)
(Reg. No. GR/478-2026)

(Arising out of Monteswar P.S case no. 589 of 2022 dated 06.12.2022)

(Charge Under Section 498A/323 of I.P.C)

STATE OF WEST BENGAL

VERSUS

1. Uttam Ghosh

Date of Delivery of Judgment : Kalna the 25th day of February, 2026

J U D G M E N T

The prosecution case started on the basis of the written complaint lodged by the victim namely, Alpana Ghosh de facto complainant before Monteswar Police Station. It has been alleged by the de facto complainant that defacto complainant is the legally married wife of the accused Uttam Ghosh and the marriage was solemnized according to the Hindu rites and customs. After the said marriage, the accused Uttam Ghosh started inflicting mental and physical torture upon her for the demand of dowry. Thereafter, the accused person drove her from her matrimonial home. The de facto complainant somehow saved herself from the accused person. Then the de facto complainant/ victim lodged this case.

On the basis of the aforesaid written complaint, Monteswar P.S case no. 589 of 2022 dated 06.12.2022 charge Under Section 498A/323 of I.P.C charge Under Section 498A/323 of I.P.C was started against the FIR named accused person. On completion of investigation, the concerned investigating officer (I.O) submitted the charge sheet under Sections 498A/323 of I.P.C against the accused person.

The Court of Ld A.C.J.M, Kalna proceeded for trial after supplying copy to the accused person.

Charge was framed against the accused person u/ss 498A/323 of I.P.C. The contents of charges were read over and explained to the accused person who pleaded not guilty and claimed to be tried. Hence this trial.

Defence did not adduce any evidence. However, from the statements of the accused person u/s 351 of BNSS and the trend of cross-examination of the prosecution witnesses, it appears that the defence case is that of denial of the prosecution case and plea of innocence.

Points for determination:-

1. Whether the accused person have committed the offence punishable under Sections u/s 498A/323 of I.P.C ?
2. Whether the prosecution has been able to prove its case beyond all shadow of reasonable doubt?

EVIDENCE ON RECORD:-

PW-1 : Alpana Ghosh.

P.W-2 : Archana Ghosh.

Document :-

Ext No. 1 : Written complaint along with signature.

DECISION WITH REASONS.

Time has come to pave through the materials on record to fathom out as to how far the prosecution has been able to bring home its case against the present accused person.

Point No. 1 & 2 :-

I take up the opportunity to discuss both the points as they are closely related with each other.

In order to bring home the charges against the accused person, the prosecution must prove its case beyond a shadow of reasonable doubt.

Now let me go through the evidence of witnesses examined by the prosecution.

P.W.-1, the victim of this case, Alpana Ghosh deposed that she lodged this case against her husband. She further stated that at present she does not have any grievance against the accused person. According to her, she is residing peacefully.

P.W.-2 : Archana Ghosh, the mother of the defacto complainant have been examined as P.W. 2. She deposed in consonance with the deposition of the victim.

The settled principle of Criminal Law is that if the prosecution wants to prove the fact, the same must be proved by leading evidence which must be reliable-trustworthy and conclusively proves the guilt of the accused person. But in this case, I cannot hold that the evidence laid conclusively establishes the guilt of the accused person.

There is a significant difference between the words “may be true” and “must be true”. Suspicion, however strong can never replace the place of proof. The way from may be true to must be true shall have to be paved out by the prosecution with cogent and reliable evidence. In this instant case, such evidence is not forthcoming from the end of the prosecution. Accordingly, this being the situation it is my considered view that the accused person should get benefit of doubt.

From the evidence of prosecution witnesses nothing has transpired which can direct the arrow of suspicion to the present accused person. The key witnesses of the Prosecution have not supported the case. Therefore, after giving a serious cogitation to the materials on record, this Court can safely come to the conclusion that the prosecution has miserably failed to prove its case against the accused person. Therefore, the accused person deserve to be acquitted from this case.

In result, the prosecution fails.

Hence, it is,

ORDERED

that the accused person named above are found not guilty of the offence punishable under sections 498A/323 of I.P.C and he is acquitted **u/s 271(1) of BNSS.**

The accused person be discharged from their respective bail bonds and be set at liberty forthwith.

The sureties are discharged as well.

The seized alat, if any, be destroyed after the appeal period.

NOTE : THE FAMILY OF THE VICTIM IN THIS CASE SHALL HAVE THE RIGHT TO PREFER AN APPEAL, THEY SHALL BE ENTITLED TO AVAIL FREE LEGAL AID AND ASSISTANCE THROUGH KALNA SDSLC TO PREFER AND PROSECUTE SUCH APPEAL.

NOTE : LET A COPY OF THIS JUDGMENT OF ACQUITTAL BE FORWARDED TO THE DISTRICT MAGISTRATE AND SECRETARY, DLSA, PURBA BURDWAN FOR DUE INTIMATION TO THE VICTIM.

NOTE : Details of the de facto complainant of this case is as follows :-

Name of the de facto complainant : Alpana Ghosh.

Wife of : Uttam Ghosh.

Village : Barandala P.S. : Monteswar District : Purba Bardhaman.

Dictated and Correct by me.

A.C.J.M Kalna.

(SUPARNA ROY-III)
Additional Chief Judicial Magistrate
Kalna Purba Bardhaman.
J.O Code- WB01118