

Form A

IN THE COURT OF ADDITIONAL SESSIONS JUDGE, BISHNUPUR, DISTRICT BANKURA	
Present: Shri Pradip Kumar Adhikary, Additional Sessions Judge, Bishnupur, Bankura. J.O. Code No. WB00916	
[Date of the Judgment: Bishnupur, the 18 th day of June, 2026]	
[S.C. Case No 18(11)2025] (S.T. No. 01(6)2026) (Reg. No. 128 of 2025) CNR No. WBBK05-000826-2025	
(Detail of FIR / Crime and Police Station)	
Complainant	STATE OF WEST BENGAL
REPRESENTED BY	Sri G.P. Bhattacharjee, Ld. P.P. In-charge
ACCUSED	Subhankar Sarkar.
REPRESENTED BY	Samim Hossain, Ld. Advocate for the defence.

FORM B

Date of Offence	08.12.2024 to 14.12.2024
Date of FIR	15.12.2024
Date of Charge sheet	19.02.2025
Date of Framing of Charges	04.06.2026
Date of commencement of Evidence	08.06.2026
Date on which Judgment is reserved	16.06.2026
Date of the Judgment	18.06.2026
Date of the Sentencing Order, if any	N.A.

Accused details :

Rank of the Accused	Name of 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.	Subhankar Sarkar	15.12.2024	20.01.2025	U/s. 64(2) (m) / 127(3) BNS	Acquitte d	N.A.	N.A.

Form C

LIST OF PROSECUTION / DEFENCE / COURT WITNESSES

A. Prosecution

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
PW-1	The victim lady	The victim lady cum de facto complainant.
PW-2	Dr. Suman Kalyan Pore	Examined the victim lady
P.W-3	Dr. Sriparana Mukherjee	Examined the victim lady

P.W-4	Father of the VG	Witness
PW5	Satyavan Mahato	IO

C. Court Witnesses, if any :

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
CW1		
CW2		

C. Court Exhibits :

Sr. No.		Description
1	Exhibit-P-1 / PW1	The written complaint.
2	Exhibit-P-1/1 / PW5	Endorsement of RO on the written complaint.
3	Exhibit-P-2 / PW1	Signature of PW1 on the medical report.
4	Exhibit-P-2 /1 / PW2	The medical report by PW2.
5	Exhibit-P-3 / PW3	Endorsement of PW2 on the requisition of the medical examination of the victim lady.
6	Exhibit-P-3 / PW1	The statement of the victim us. 183 BNSS
7	Exhibit-P-4 / PW5	Formal FIR.
8	Exhibit-P-5 / PW5	The rough sketch map with index.
9	Exhibit-P-6 / PW5	The seizure list dtd. 15.12.2024.
10	Exhibit-P-7 / PW5	The seizure list dtd. 02.01.2025

B. Defence :

Sr. No.		
1		
2		

D. Material Objects :

Sr. No.	Material Object Number	Description
1		Marriage invitation card.
2		

J U D G M E N T

Prosecution’s Case

1. On 08.12.2024 the victim lady called the accused to collect blood sample of her daughter for a medical test. She further alleged that on that date the accused has committed rape upon her at her rented accommodation and took some obscene pictures of her in his mobile phone and since then he started to blackmail her and raped her on numerous occasions.

2. She further alleged that on 08.12.2024 the accused took the victim and her daughter to the Orissa and detained them and again committed rape upon the victim lady. Thereafter, on 14.12.2024 she anyhow managed to escape from the clutches of the accused and returned to home.
3. Accordingly, Sonamukhi PS Case No. 314 / 2024 dtd. 15.12.2024 was started and the investigation of this case was undertaken by the police. On completion of the investigation police filed charge sheet against the accused person U/s. 64(2)(m) / 127(3) BNS before the Ld. A.C.J.M., Bishnupur who after taking cognizance committed the same to this court.
4. On appearance of the accused persons before this court after commitment, this court after considering the materials available from the record was pleased to frame charges against the accused persons U/s. 64(2)(m) / 127(3) BNS. Charges were framed in a separate sheet of paper and was kept with the record. The substance of charges so framed, were read over and explained to the accused person to which he pleaded not guilty and claimed to be tried. Thus the trial of the case commenced.

Defence Case :

5. The case of the defence as it appears from the trend of the cross examination of PWs as well as from the answers given by the accused person during his examination u/s. 351 BNS is the complete denial of the prosecution's case and it is submitted that he has been falsely implicated.

POINTS FOR DETERMINATION

6. After going through the cases of the rival contesting parties, I find that the following points are to be decided for the proper adjudication of this case.
 - I) Whether the accused person has committed any offence punishable U/s. 64(2)(m) / 127(3) BNS ?
 - II) Whether the prosecution has been able to prove the guilt of the accused person beyond all reasonable doubts ?

DECISION WITH REASONS

7. In order to prove its case, the prosecution has examined as many as 05 witnesses. The PW1 is the de facto complainant of this case and she has stated in her evidence that "I know the accused Subhakar Sarkar and he is present before the court (identified). The accused and me were employees of Gouri Debi Nursing Home, Durgapur. I had good relation with the accused being a co-worker but my husband did not like our friendship relationship. My husband used to assault me

severely and my husband threatened to kill me to lodge a written complaint against the accused and accordingly I lodged a written complaint against this accused at Sonamukhi PS on 15.12.2024. This is the said written complaint wrote by Dibbendu Bhuiyya and I signed on it. This is the said written complaint bearing my signature and the same is marked as **Exbt. P-1 / PW1**. After lodging the complaint, police caused my medical examination at Bishnupur District Hospital. This is my signature on the said medical examination report prepared by Dr. Suman Kalyan Pore at Bishnupur District Hospital and the same is marked as **Exbt. P-2 / PW1**. Police produced before Ld. JM for recording my statement and accordingly Ld. JM recorded my statement and the same was read over to me and I signed on it after going through the same. This is my statement recorded by Ld. JM along with my signature and the same is marked as **Exbt. P-32 / PW1**. Police did not interrogate me. **(At this stage, this witness is declared hostile by the prosecution and prosecution is permitted to cross examine the witness)**. Not a fact that it is false that My husband used to assault me severely and my husband threatened to kill me to lodge a written complaint against the accused and accordingly I lodged a written complaint against this accused at Sonamukhi PS on 15.12.2024. Not a fact that I stated in the written complaint that the accused committed rape upon me on several occasions and on 08.12.24 I was standing with my daughter Mangalhati Bus Stand, the accused took us forcefully in a room and committed rape upon me forcefully. Not a fact that police interrogated me and I stated to the police the accused committed rape upon me on several occasions and on 08.12.24 I was standing with my daughter Mangalhati Bus Stand, the accused took us forcefully in a room and committed rape upon me forcefully. Not a fact that in order to save the accused, I deposed falsely”.

8. The PW2 is the victim lady of this case and she has stated in her evidence that “I am now posted as Medical Officer at Bishnupur District Hospital. On 31.12.2024 I was posted in the same place in the same capacity. On that day, I examined victim lady in connection with as produced and identified by LC 1907 Lily Murmu Mandi of Sonamukhi PS. After examination, I prepared the medical report in a plain paper. On examination I did not find any external injury on the body parts as well as visible on the genitalia. During examination the victim lady stated to me that she was sexually intercourse for 10 times against her will by her previous friend residing at Durgapur City Center and last intercourse was done in the month of October, 2024. This is the original medical report prepared by me in my own handwriting and bears my signature with official seal. Let the medical report be marked as **Exbt. P-2/1 / PW2**.”

9. The PW3 is the son of the victim lady and he has stated in his evidence that “I am now posted as Medical Officer at Sonamukhi Rural Hospital. On 15.12.2024 I was posted in the same place in the same capacity. On that date the victim lady was produced before me for her medical examination but as she was menstruating I could not examine her and I advised to attend the victim to before GOPT, Bishnupur, Bankura after stopping of menstruation. This is my endorsement on the requisition for medical examination of the victim lady send by the IO and the same is marked as **Exbt. P-3 / PW3**”.

10. The PW4 has stated in his evidence that “The victim lady is my daughter. I heard that my daughter has filed a case against the accused person over some relationship issue between them”.

11. The PW5 has stated in his evidence that “At present I am posted as Officer-in-charge at Bakshi Outpost under Raipur PS. On 15.12.2024 I was posted at Sonamukhi PS as SI of Police. On that date, SI Chinmoy Mukherjee received a written complaint from the victim lady and accordingly as per instruction of IC, Sonamukhi he started Sonamukhi PS Case No. 214 / 2024 dtd. 15.12.2024 u/s. 64(2)(m) / 127(3) BNS and endorsed the same on the written complaint. I know the handwriting and signature of SI Chinmoy Mukherjee being my colleague. This is the said endorsement of said SI Chinmoy Mukherjee on the written complaint and the same is **marked Exbt. P-3/1 / PW5**. SI Chinmoy Mukherjee prepared the formal FIR and as per instruction of IC of the said PS endorsed the case to me. This is the said formal FIR, prepared and signed by SI Chinmoy Mukherjee and the same is **marked Exbt. P-4 / PW5**. As per endorsement I took up the case for investigation. I have gone through the written complaint, examined the victim, who corroborated the written complaint and I also recorded her separate statement u/s. 180 BNSS. I also caused medical examination of the victim and collected the medical report. I also caused to record the statement of the victim lady by the Ld. Magistrate u/s. 183 BNSS. I visited the PO, prepared the rough sketch of the PO with Index. This is the rough sketch mat with index and the same is **marked Exbt. P-5 / PW5**. I examined the available witnesses, recorded their statements u/s. 180 BNSS, arrested the accused, caused medical examination of the accused, seized the mobile phone and other articles including the picture of the victim under a seizure list, sent Mobile Phone and Picture of the victim for Forensic Examination. After completion of the investigation and after obtaining permission from my superior officer I submitted the CS being No. 37 / 25 dtd. 14.02.2025 u/s. 64(2)(m) / 127(3) BNS. This is the seizure list of Mobile Phone of the accused dtd. 15.12.2024 prepared and signed by me. The seizure list marked as **marked Exbt. P-6 / PW5**. This is another seizure list of two postcard size

photographs of the victim dtd. 02.01.2025 prepared and signed by me. The seizure list marked as **marked Exbt. P-7 / PW5**".

12. The evidence on record falls short of the required standard of proof. The prosecution witnesses have failed to state the date, time and case of alleged incident, the foundation of the case.

13. The prosecution has failed to materialise its case and thereby failed to establish ingredients of the alleged offence charged against the accused.

14. On the basis of the above discussion it is concluded that the prosecution has failed to prove its case beyond reasonable doubt and as such the accused is liable to be acquitted.

15. Hence, it is :-

ORDERED

that the accused person namely Subhankar Sarkar is found not guilty of the charges labelled against him and accordingly he is acquitted from this case under section 258(1) of BNSS. The accused person and his sureties are discharged from his respective bail bond forthwith.

The victim has the right to prefer an appeal under the provision to section 413 of the BNSS and if necessary to avail free legal assistance through Legal Services Authority.

Let a copy of the order be communicated to the District Magistrate and another copy to the District. Legal Services Authority for information and appropriate action.

The alamats, if any, be destroyed after the appeal period is over.

Inform Court Inspector.

Dictated & corrected by me

Sd/-

Addl. Sessions Judge,
Bishnupur, Bankura.

Sd/-

Addl. Sessions Judge,
Bishnupur, Bankura