

FORM A

<u>IN THE COURT OF JUDICIAL MAGISTRATE, 3RD COURT, BISHNUPUR,</u> <u>BANKURA</u> <u>Present: Ms. Aliviya Bhattacharya , Judicial Magistrate, 3rd Court, Bishnupur, Bankura</u> <u>(J.O Code: WB01364)</u> <u>Date of Judgment: 03.06.2026</u> GR 1615/2025 (Reg. No. 292/2026) T R No. 328/2026
CNR No. : WBBK060005752026

Details of FIR/Crime and Police Station

Complainant	State of West Bengal
Represented by	Ld. APP, Suparna Koley
Accused	1) Sanjay Bauri 2) Laxman Bauri 3) Bela Bauri 4) Dhananjay Bauri
Represented by	Ld. Adv. Prasenjit Nandi

FORM B

Date of offence	18.10.2025
Date of FIR	08.11.2025
Date of Charge sheet	30.11.2025
Date of framing of Charges	21.05.2026
Date of commencement of Evidence	02.06.2026
Date on which judgment is reserved	03.06.2026
Date of the judgment	03.06.2026
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 the purpose of Section 428 CrPC

1	Sanjay Bauri	N.A	11-11-2025	85/316(2)/ 351(2) BNS and 3 /4 D. P.Act	Acquitted	N.A	N.A
2	Laxman Bauri	N.A	11-11-2025	85/316(2)/ 351(2) BNS and 3 /4 D. P.Act	Acquitted	N.A	N.A
3	Bela Bauri	N.A	11-11-2025	85/316(2)/ 351(2) BNS and 3 /4 D. P.Act	Acquitted	N.A	N.A
4	Dhananjay Bauri	N.A	11-11-2025	85/316(2)/ 351(2) BNS and 3 /4 D. P.Act	Acquitted	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)
P.W-1	Rina Bauri	Complainant

B. Defense 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

C. 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/ DEFENSE EXHIBITS/ COURT EXHIBITS

A. Prosecution

Sr. No.	Description	Exhibit No.
1	Signature of complainant on	Exhibit-P1/P.W-1(Series)

	the Written complaint	
2	Signature of PW- 1 on the FIR	Exhibit-P2/P.W-1
3	Signature of PW- 1 on the seizure list	Exhibit-P3/P.W-1
4	Signature of PW- 1 on the zimmanama	Exhibit-P4/P.W-1

B. Defense

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

C. Court Exhibit

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

D. Material Objects

Sr. No.	Material Object No.	Description
1.	N.A	N.A

JUDGMENT

Preface

1. The instant case is under sections **85/316(2) BNS and 3 /4 D.P. Act** instituted on the basis of the F.I.R lodged by the de-facto complainant namely Rina Bauri before the I/C- Bishnupur P.S, Bankura against the accused persons namely **Sanjay Bauri, Laxman Bauri, Bela Bauri and Dhananjay Bauri**.

Fact of the case

2. The brief fact of the case as alleged by the defacto complainant is that on 22.01.2024 the defacto complainant namely Rina Bauri got married to one Sanjay Bauri, S/O Laxman Bauri of Birsha, Prakash, PS- Bishnupur, Dist.- Bankura according to Hindu rites and rituals. Since her marriage, she was allegedly subjected to both physical and mental cruelty by her husband and other in-laws with their demand of additional dowry of Rs. 5,00,000/- and they tortured her by using abusive and filthy language towards her. They also retained her stridhan articles and subsequently drove her out from her matrimonial home. This compelled the de-facto complainant to lodge the complaint before I/C- Bishnupur PS and hence, the instant trial.

Charge

3. The charge was framed against the accused persons punishable under Section **85/316(2) BNS and 3 /4 D.P. Act**.

Examination of the accused under section.313 Cr. PC

4. The accused persons have been examined u/s 313 of the Cr. P.C and on being asked, the accused persons refused to adduce defense witnesses.

Points for Consideration

5. Point No.1: Is the accused persons guilty of the offences punishable under sections **85/316(2) BNS and 3 /4 D.P. Act?**

6. Point No. 2: Is the prosecution able to prove its case beyond the shadow of reasonable doubt?

ARGUMENTS ON BEHALF OF THE ACCUSED PERSONS

7. The Ld. Advocate for the accused persons started the argument and stated that the de-facto complainant has deposed before this Court and during his examination in chief she did not reveal anything incriminating against the accused persons. No other witnesses are examined by the prosecution to adduce any incriminating evidence. Accordingly, he prays for acquittal of the accused persons in this case.

ARGUMENTS ON BEHALF OF THE PROSECUTION

8. The Ld. APP argued on behalf of the prosecution stated that the de-facto complainant has filed this case against the accused persons u/s. **85/316(2) BNS and 3 /4 D.P. Act** and has contested the same and thus prays that the accused should be punished as per law.

Decision with Reasons

9. This is a case under S. **85/316(2) BNS and 3 /4 D.P. Act** filed by the de-facto complainant against the accused persons. Now, this Court is to analyze, assess and to take into account of the total evidence and materials on record to have a clear decision of the case.

10. This Court perused the materials on record. On perusal, it appears that on 22.01.2024 the defacto complainant namely Rina Bauri got married to one Sanjay Bauri, S/O Laxman Bauri of Birsha, Prakash, PS- Bishnupur, Dist.- Bankura according to Hindu rites and rituals. Since her marriage, she was allegedly subjected to both physical and mental cruelty by her husband and other in-laws with their demand of additional dowry of Rs. 5,00,000/- and they tortured her by using abusive and filthy language towards her. They also retained her stridhan articles and subsequently drove her out from her matrimonial home. This compelled the de-facto complainant to lodge the complaint before I/C- Bishnupur PS and hence, the instant trial. Now let's look into evidence on record in support of the prosecution case.

11. The **P.W-1, Rina Bauri** deposed in her evidence that she got married to one Sanjay Bauri on 22.01.2024 as per Hindu rites and customs and after her marriage, she went to her matrimonial home and initially she lived peacefully. She further stated that subsequently, she had matrimonial

dispute with her husband and in-laws. She identified one accused persons i.e. her husband in court and stated that had the other accused been present on that day, she would have recognized them. During her cross-examination, she could not say the contents of her written complaint and stated that police never interrogated her. She admitted that she is living in her matrimonial home now peacefully. She further stated in her cross-examination that she has no grievances against the accused persons. She also stated that during the incident, she got injured by hitting the pillar and got treated thereafter. It was not caused by the accused persons.

12. On the consideration of the evidence of P.W-1, it appears that the PW-1 did not give a clear, direct and unequivocal incriminating evidence against the accused persons. The P.W-1 who is the victim herself is the star witness of this case. However, she refrained from giving a detailed account of the incident. The 'matrimonial dispute' referred to by the witness remains unexplained. No date, time, place or manner of incident is stated by any of the prosecution witnesses. The allegations leveled by the witnesses are general in nature and they are also very vague. **Section 101 of the Indian Evidence Act, 1872** provides for the burden of proof. It reads as under: -

“whoever desires any Court to give judgment as to any legal right and liability dependent on existence of facts which he asserts that those facts exist, must prove the existence of such facts. When a person is bound to prove the existence of any fact it is said that the burden of proving those facts lies on that person”.

13. In the instant case, the case of the prosecution set the wheels of this case into motion. It is upon the prosecution to prove the facts alleged by the de-facto complainant in the FIR as per the aforementioned section and as such, the burden of proof regarding the alleged offence also lies upon the prosecution. However, there is nothing on the record to suggest that the alleged incident actually took place. There is no substantial evidence as may be derived from the oral testimony of the P.W-1. It is apparent from the evidence that the witness has failed to prove the alleged incident. The case is virtually without sufficient evidence. It is well-settled that the accused would not be brought to book merely on bald allegations of the complainant. Rather, the same has to be proved beyond reasonable doubt. This is the celebrated principle upon which the case against the accused persons has to be tested. In case the charges are found to be proved, the accused persons are sent to gallows, but if it is not proved, the accused persons must be set at liberty giving them the benefits of doubt. In the present case, the evidence on record, when tested on the touchstone of the often-quoted principle of “proof beyond reasonable doubt”, it appears to me that the prosecution has failed to prove the charges against the accused persons. Accordingly, the accused persons are not liable to be punished. Resultantly, the accused person is entitled to be acquitted of the charges under **85/316(2) BNS and 3 /4 D.P. Act**. All the points are thus answered in the negative. In the result prosecution case fails and the accused person merit acquittal.

Hence, it is

ORDERED

That the accused persons namely **Sanjay Bauri, Laxman Bauri, Bela Bauri and Dhananjay Bauri** are found not guilty of committing the offense punishable under section

Section 85/316(2) BNS and 3 /4 D.P. Act and he is hereby acquitted u/s 278(1) of BNSS in respect of offense alleged to be committed under **Section 85/316(2) BNS and 3 /4 D.P. Act**.

The accused persons are on Court bail.

They are hereby discharged forthwith from their bail bonds and set at liberty.

The concerned sureties also be discharged from their obligations.

The instant case is accordingly disposed of.

Bench Clerk II is directed to note in T.R.

Let a copy of this judgment be sent to the DM, Bankura and the Chairman, SDLSC, Bishnupur at once.

Let this judgment be uploaded in CIS portal at once.

Seized alat, if any be disposed of after the appeal period is over.

Dictated & Corrected by me.

Judicial Magistrate, 3rd Court
Bishnupur, Bankura.

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Bishnupur, Bankura.