

Form No. (M) 34

|                                                                                                         |                                                                                                                   |
|---------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------|
| <b><u>IN THE COURT OF ADDITIONAL CHIEF JUDICIAL MAGISTRATE,</u></b><br><b><u>BISHNUPUR, BANKURA</u></b> |                                                                                                                   |
| <b>Present : Smt Tashi Chheten Sherpa, [J.O Code: WB-01106]</b>                                         |                                                                                                                   |
| <b>Additional Chief Judicial Magistrate, Bishnupur, Bankura</b>                                         |                                                                                                                   |
| [Date of the Judgment: 12.03.2026]                                                                      |                                                                                                                   |
| GR No. 366 of 2014                                                                                      |                                                                                                                   |
| T.R No. 471 of 2017                                                                                     |                                                                                                                   |
| Reg. No. 9819 of 2017                                                                                   |                                                                                                                   |
| CNR No.- WBBK060012392017                                                                               |                                                                                                                   |
| Indas P.S Case No. 117/14 dated 16.06.2014 under Section 498A/323/506 of I.P.C                          |                                                                                                                   |
| Complainant                                                                                             | STATE                                                                                                             |
| REPRESENTED BY                                                                                          | Indra Narayan Biswas<br>LD.            ADDITIONAL            PUBLIC<br>PROSECUTOR                                 |
| ACCUSED                                                                                                 | I. NAME WITH ALL PARTICULARS<br>A-1) Kajal Bagdi Son of Late Khanda Bagdi<br>of village- Khosbag, Indas , Bankura |
| REPRESENTED BY                                                                                          | NAME OF THE ADVOCATES<br>Ld. Advocate Abhijeet Nayek                                                              |

Form No. (M) 35

|                                      |                            |
|--------------------------------------|----------------------------|
| Date of Offence                      | After few days of marriage |
| Date of FIR                          | 16.06.2014                 |
| Date of Charge sheet                 | 25.07.2014                 |
| Date of Framing of Charges           | 04.02.2026                 |
| Date of commencement of Evidence     | 10.03.2026                 |
| Date on which Judgment is reserved   |                            |
| Date of the Judgment                 | 12.03.2026                 |
| Date of the Sentencing Order, if any |                            |

Accused details:

| Rank of the accus ed | Name of the Accused | Date of arrest | Date of release on Bail | Offences charged with               | Whether acquitted or convicted | Sentence imposed |
|----------------------|---------------------|----------------|-------------------------|-------------------------------------|--------------------------------|------------------|
| 1                    | Kajal Bagdi         | 17.06.2014     | 25.06.2014              | S.498A/323/506 of Indian Penal Code | Acquitted                      |                  |

Form No. (M) 36  
LIST OF PROSECUTION / DEFENCE / COURT WITNESSES

A. Prosecution:

| RANK | NAME          | NATURE OF EVIDENCE<br>(EYE WITNESS, POLICE WITNESS,<br>EXPERT WITNESS, MEDICAL WITNESS,<br>PANCH WITNESS, OTHER WITNESS) |
|------|---------------|--------------------------------------------------------------------------------------------------------------------------|
| 1    | Madhabi Bagdi | De facto complainant                                                                                                     |

B. Defence Witnesses, if any:

| RANK | NAME | NATURE OF EVIDENCE<br>(EYE WITNESS, POLICE WITNESS,<br>EXPERT WITNESS, MEDICAL WITNESS,<br>PANCH WITNESS, OTHER WITNESS) |
|------|------|--------------------------------------------------------------------------------------------------------------------------|
| DW1  |      |                                                                                                                          |

C. Court Witnesses, if any:

| RANK | NAME | NATURE OF EVIDENCE<br>(EYE WITNESS, POLICE WITNESS,<br>EXPERT WITNESS, MEDICAL WITNESS,<br>PANCH WITNESS, OTHER WITNESS) |
|------|------|--------------------------------------------------------------------------------------------------------------------------|
| CW1  |      |                                                                                                                          |

LIST OF PROSECUTION / DEFENCE / COURT EXHIBITS

A. Prosecution:

| Sr.<br>No. | Exhibit Number | Description        |
|------------|----------------|--------------------|
| 1          | Exbt. P1       | Written complaint. |

B. Defence:

| Sr.<br>No. | Exhibit Number | Description |
|------------|----------------|-------------|
| 1          |                |             |

C. Court Exhibits:

| Sr.<br>No. | Exhibit Number | Description |
|------------|----------------|-------------|
| 1          |                |             |

D. Material Objects:

| Sr.<br>No. | Exhibit Number | Description |
|------------|----------------|-------------|
| 1          |                |             |
| 2          |                |             |

### **JUDGMENT**

#### **FACTS**

1) The de facto complainant Madhabi Bagdi married A-1 about 22 years ago as per Hindu Rites and Customs. She alleged in her complaint that she was subjected to mental and physical torture by the accused since past 6-7 years. On 15.06.2014, the accused person assaulted the de facto complainant with fists, blows and kicks. She was compelled to leave the matrimonial house and take shelter to her parental house. On the basis of the aforesaid incident the present case was initiated under S. 498A/323/506 against accused person.

2) Charge sheet was submitted under S. 498A/323/506 of the I.P.C against the above named sole accused person.

#### **CHARGE**

3) Charge was framed under S. 498A/323/506 of the I.P.C against the sole accused person and on being asked the accused person pleaded not guilty and claimed trial.

#### **EVIDENCE**

4) The prosecution cited 7 witnesses and examined only the de facto complainant to prove the instant case. The de-facto complainant -cum - victim **Madhobi Bagdi** is examined as **PW1** and she was cross-examined in full and released. The written complaint is marked as Exbt. P1.

5) Thereafter evidence from the side of prosecution has been closed on submission of prosecution and accused person was examined u/s 313 of Cr.P.C. Accused person declined to adduce any evidence. Argument has been heard from both sides in full.

#### **POINTS FOR CONSIDERATION**

- 1) Whether the prosecution has been able to prove the case against the accused person?
- 2) Whether the accused person can be convicted under S. 498A/323/506 of the I.P.C ?

#### **DECISION WITH REASONS**

6) PW1 Madhobi Bagdi was examined on 10.03.2026. De facto complainant stated in her evidence stated that she filed the case due to matrimonial discord and misunderstanding. She had matrimonial dispute with the accused person and filed the

complaint against him. In her cross-examination she did not corroborate her own complaint. Thereafter considering her evidence the prosecution prayed for closing of evidence and the same is considered. Therefore no other witnesses were examined.

7) Therefore on scrutiny of evidences it transpires that P.W. 1 has not stood by the contents of her complaint. She has stated nothing against the accused person to attract the charges against under S. 498A/323/506 of the I.P.C.

8) Therefore, the prosecution has failed to prove the case against the accused person beyond reasonable doubt. Therefore, the accused person is liable to be acquitted.

HENCE IT IS

**ORDERED**

That the accused person **A-1) Kajal Bagdi** is found not guilty for the offence punishable S. 498A/323/506 of the Indian Penal Code, 1860 and is accordingly acquitted under S. 248(1) of Criminal Procedure Code, 1973. He is set at liberty at once and discharged from bail bonds and the sureties are released from his liabilities.

The seized articles , if any , are to be disposed of in accordance with law once the appeal period is over.

Note the disposal in register.

***D/Corrected by***

***A.C.J.M, Bishnupur***

***A.C.J.M, Bishnupur***

***J.O Code WB01106***