

Form No. (M) 34

<u>IN THE COURT OF ADDITIONAL CHIEF JUDICIAL MAGISTRATE,</u> <u>BISHNUPUR, BANKURA</u> Present : Smt Tashi Chheten Sherpa, [J.O Code: WB-01106] Additional Chief Judicial Magistrate, Bishnupur, Bankura [Date of the Judgment: 19-06-2026] [GR Case No. 1303 OF 2022] T.R No. 52 OF 2024 Reg. No. 11303 OF 2022 CNR No.- WBBK060017692022 (Details of FIR/Crime and Police Station)	
Complainant	STATE
REPRESENTED BY	Santanu Malik LD. ADDITIONAL PUBLIC PROSECUTOR
ACCUSED	I. NAME WITH ALL PARTICULARS A-1) Ananda Mondal, S/o Lokman Mondal A-2) Lokman Mondal, S/o Lt. Abdul Geni A-3) Rokeya Bibi @ Rakiya Mondal, W/o Lokman Mondal A-4) Anahar Khatun, D/o Lokman Mondal All of village- Jaljala, P.S Kotulpur, Bankura
REPRESENTED BY	NAME OF THE ADVOCATES Prasanta Mondal

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Date of Offence	Since after marriage
Date of FIR	05-12-2022
Date of Charge sheet	31-12-2022
Date of Framing of Charges	19-12-2025
Date of commencement of Evidence	02-06-2026
Date on which Judgment is reserved	

Date of the Judgment	19-06-2026
Date of the Sentencing Order, if any	

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
1.	Ananda Mondal		09-12-2022	498A/323/506/34 of Indian Penal Code read with Section 3 & 4 D.P.Act	Acquitted	
2	Lokman Mondal		09-12-2022	498A/323/506/34 of Indian Penal Code read with Section 3 & 4 D.P.Act	Acquitted	
3	Rokeya Bibi @ Rakiya Mondal		09-12-2022	498A/323/506/34 of Indian Penal Code read with Section 3 & 4 D.P.Act	Acquitted	
4	Anahar Khatun		09-12-2022	498A/323/506/34 of Indian Penal Code read with Section 3 & 4 D.P.Act	Acquitted	

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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)
1	Rina Bibi	defacto complainant

B. Defence Witnesses, if any:

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
DW1		

C. Court Witnesses, if any:

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

LIST OF PROSECUTION / DEFENCE / COURT EXHIBITS

A. Prosecution:

Sr. No.	Exhibit Number	Description
1	Exhibit P-1 /PW-1	Signature of the P1 upon written complaint.

B. Defence:

Sr. No.	Exhibit Number	Description
1		

C. Court Exhibits:

Sr. No.	Exhibit Number	Description
1		

D. Material Objects:

Sr. No.	Exhibit Number	Description
1		
2		

JUDGMENT

The facts of the case is that the complainant Rina Bibi, wife of Ananda Mondal lodged an FIR before the O.C Kotulpur P.S to the effect that she was married with accused no.1 of village Jaljala, P.S Kotulpur, District Bankura as per Muslim rites and customs. That the accused did not provide her proper care when she was pregnant with her child, instead they mentally and physically tortured her. Further, accused no.1 had illicit relations with another woman of that village. Once she was at her parents house, accused no.1 came there and assaulted her and even tried to suffocate her with a pillow. On 05-12-2022 accused no.1 assaulted her, took away her child from her and she was rescued by her family members. On the basis of the aforesaid incident the present case was initiated

under Section 498A/323/325/506/34 of the I.P.C and read with Section 3 & 4 of D.P.Act against four accused persons.

Charge sheet was submitted Under Secs. 498A/323/506/34 of the I.P.C and read with Section 3 & 4 of the D.P. Act against the above named four accused persons.

CHARGE

Charge was framed under sections 498A/323/506/34 of the I.P.C and Sections 3 & 4 of the D.P.Act against the accused persons and on being asked the the accused persons separately pleaded not guilty and claimed trial.

EVIDENCE

The prosecution examined as many as one witness to prove the instant case. The de facto complainant -cum - victim Rina Bibi is examined as **PW-1** and she was cross-examined in full and released.

The signature of the complainant in the written complaint is marked as Exhibit P-1/PW-1.

Thereafter, evidence from the side of prosecution has been closed on submission of prosecution and accused persons were examined u/s 313 of Cr.P.C.

Accused persons have 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 persons?
- 2) Whether the accused person can be convicted under sections 498A/323/506/34 of the I.P.C and Sections 3 & 4 of the D.P.Act ?

DECISION WITH REASONS:

Section 498A of the IPC requires certain elements as mentioned in the section to be fulfilled. That is to say, the prosecution must prove that the complainant was tortured either physically or mentally by her husband and in-laws. But in this case there is no such material in the evidence brought by the prosecution.

During evidence PW1 Rina Bibi stated that she was married to accused no.1. She admitted that she lodged a written complaint with the O.C Kotulpur P.S against her husband and in-laws. P.W. 1 further stated that after marriage she went to her matrimonial

home at Jaljala under P.S Kotulpur and started leading conjugal life. There was domestic dispute and misunderstanding between them which lead her to file the complaint against the accused persons which has been marked as Exhibit P-1/PW-1.

During cross-examination P.W. 1 failed to recall the incident and stated that she is living with accused no.1 at present. She also stated that during investigation she was interrogated by the I.O. It also came out that she has been deposing before the Court voluntarily and without any pressure, fear and coercion.

The evidences of prosecution witness hardly show existence of any material to sustain the charge under section 498A/323/506/34 of the I.P.C and Sections 3 & 4 of the D.P.Act. From the deposition of prosecution witness it came out that the case was initiated due to misunderstanding and out of anger for which the accused persons cannot be convicted under Section 498A/323/506/34 of the I.P.C and Sections 3 & 4 of the D.P.Act.

Therefore, the prosecution has failed to prove the case against the accused persons beyond reasonable doubt. Therefore, the accused persons are liable to be acquitted.

HENCE IT IS

ORDERED

That the accused persons namely, Ananda Mondal, Lokman Mondal, Rokeya Bibi @ Rakiya Mondal & Anahar Khatun are found not guilty for the offence punishable U/Sec. 498A/323/506/34 of the I.P.C and Section 3 & 4 of D.P.Act and are accordingly acquitted U/Sec. 248(1) of the Cr.PC. They are set at liberty at once and discharged from Bail Bonds and the sureties are released from their 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.

Dict. & corrected by me

ACJM, Bishnupur

***A.C.J.M., Bishnupur.
J.O Code WB01106***