

GR CASE NO. 395-2025  
CIS GR CASE NO. 2068-2026  
State of West Bengal Vs. Tulsi Datta and one another.  
Under Section 85 of Bharatiya Nyaya Sanhita  
FORM A

|                                                                                                                                                                                                                                                                                                                                                                                  |                                        |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------|
| IN THE COURT OF LD. ADDITIONAL CHIEF JUDICIAL MAGISTRATE,<br><br>DINHATA, COOCH BEHAR<br><br>Present: Smt. Dewyani Rai<br><br>Additional Chief Judicial Magistrate, Dinhata, Cooch Behar<br><br>JO Code No. WB 01175<br><br>[ Dated : 13.08.2026]<br><br>GR CASE NO. 395-2025<br><br>CIS GR CASE NO. 2068-2026<br><br>( Dinhata Women P.S Case No. 93 of 2025 Dated 07.08.2022 ) |                                        |
| Complainant                                                                                                                                                                                                                                                                                                                                                                      | State Of West Bengal                   |
| Represented by                                                                                                                                                                                                                                                                                                                                                                   | Sanjay Barman, Ld. APP                 |
| Accused                                                                                                                                                                                                                                                                                                                                                                          | 01. Tulsi Datta @ Dutta 02. Rina Dutta |
| Represented by                                                                                                                                                                                                                                                                                                                                                                   | Jewel Barman                           |

FORM B

|                                      |                                               |
|--------------------------------------|-----------------------------------------------|
| Date Of Offence                      | Since after marriage and lastly on 07.08.2025 |
| Date of FIR                          | 07.08.2025                                    |
| Date of Charge Sheet                 | 23.08.2025                                    |
| Date Of Framing Charge               | 05.06.2026                                    |
| Date of Commencement of Evidence     | 10.07.2026                                    |
| Date on which Judgement is reserved  | 12.08.2026                                    |
| Date of Judgement                    | 13.08.2026                                    |
| Date of the sentencing order, if any | NA                                            |

GR CASE NO. 262-2022

CIS GR CASE NO. 1287-2022

State of West Bengal Vs. Maksedul Hoque and Three others.

Under Section 85 of Bharatiya Nyaya Sanhita

| Rank and Name of the Accused Person       | Date of Arrest | Date of Release on bail | Offence charged with                        | Whether acquitted or convicted | Sentence imposed | Period of Detention undergone during Trial for purpose of Section 428 CrPc |
|-------------------------------------------|----------------|-------------------------|---------------------------------------------|--------------------------------|------------------|----------------------------------------------------------------------------|
| 01. Tulsi Datta @ Dutta<br>02. Rina Dutta | 10.08.2025     | 18.08.2025              | Under Section 85 of Bharatiya Nyaya Sanhita | Acquitted                      | NA               | NA                                                                         |

FORM C

A. Prosecution

| RANK | NAME              | NATURE OF EVIDENCE(EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS OTHER WITNESSES) |
|------|-------------------|-----------------------------------------------------------------------------------------------------------------|
| PW-1 | Raju Dutta        | Eye witness                                                                                                     |
| PW-2 | Payel Banik Dutta | Victim                                                                                                          |
| PW-3 | Dr. Ayesha Khatun | Medical officer                                                                                                 |

B. Defence witnesses, if any : NA

LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS

A. Prosecution

| Serial Number | Exhibit Number | Description                         |
|---------------|----------------|-------------------------------------|
| 01.           | Exhibit P-1    | Signature of Victim/PW-2 on the W/C |
| 02.           | Exhibit P-2    | Injury report of Payel Dutta Banik  |
| 03.           | Exhibit P-3    | BHT of Payel Dutta Banik            |

B. Defence : NA

C. Court Exhibits : NA

D. Material Objects : NA

IN THE COURT OF ADDITIONAL CHIEF JUDICIAL MAGISTRATE,  
DINHATA, COOCH BEHAR

PRESENT : Smt. DEWYANI RAI.

Additional Chief Judicial Magistrate, Dinhata, Cooch Behar.

GR CASE NO. 395-2025

CIS GR CASE NO. 2068-2026

CNR No. WBCB07-000431-2026

**Name of the parties :**

STATE OF WEST BENGAL

VERSUS

01. Tulsi Datta @ Dutta

02. Rina Dutta

..... Accused Persons

Under Section 85 of Bharatiya Nyaya Sanhita

Judgment delivered on the 13 th day of August, 2026.

**JUDGMENT**

This is a case Under Section 85 of Bharatiya Nyaya Sanhita. The accused persons are booked Under Section 85 of Bharatiya Nyaya Sanhita.

**Prosecution story in a nut shell:**

The prosecution case, details apart is that, one Prahlad Banik filed a written complaint to the effect that, his daughter was married to Raju Dutta as per the Hindu Rites and Customs. The accused persons are the sister-in-law and mother-in-law of his daughter. The daughter of the de-facto complainant used to live in a separate rented house from her in-laws. After two years of marriage the accused persons started to torture her mentally and physically and even abused her in filthy languages. When the daughter of the complainant objected to this, the accused persons assaulted her. Then on 07.08.2025 at about 12.30 to 01.00 p.m. when the daughter of the de-facto was lying in her bed room due to some illness the accused persons attacked her and the accused no. 1 tried to kill her by suffocating her. Then when she shouted for help, both the accused persons started to assault her mercilessly, because of which she fell down from the bed.

Anyhow she escaped from the clutches of the accused persons and tried to inform her husband. At this time the accused persons fled away threatening that they would not allow the de-facto's daughter to continue her marital relationship. Later, the son-in-law of the de-facto come and took his daughter to Dinhata SD Hospital where she got admitted. Hence, this case.

**Purports of the proceedings:**

On the basis of the said information, the Dinhata Women P.S case no. 93 of 2025, dated 07.08.2025 was initiated under Section 85 of Bharatiya Nyaya Sanhita and the investigation was endorsed to L.S.I of Police, Suniti Subba.

During the investigation the I.O has done the needful and on the completion of the investigation he has submitted charge-sheet U/S 85 of Bharatiya Nyaya Sanhita of which the cognizance was taken and copy served to the accused persons U/s 230 B.N.S.S. Thereafter the trial began.

On 05.06.2026 the case record was taken up for framing of the charge. The substance of the offence Under Section 85 of Bharatiya Nyaya Sanhita, was read over and explained to the accused persons to which each of them pleaded 'not guilty' and claimed to be tried under the procedure established by law.

Then on 12.08.2026, Raju Dutta, Payel Banik Dutta and Dr. Ayesha Khatun were examined as PW-1, PW-2 and PW-3, respectively. Thereafter, the evidence for the prosecution was closed, on the consent of Ld. A.P.P.

The examination of the accused persons U/s 351 BNSS was taken on 13.08.2026. The accused persons claimed to be innocent and denied all the allegations. The accused persons declined to adduce defence witness.

The accused persons declined to produce any evidence in their behalf. No DWS have been adduced by the accused persons. The defence story had only been the total denial of the prosecution story.

### **POINTS FOR DETERMINATION**

- \* Whether the accused persons are guilty of any offences as alleged in the charge sheet?
- \* Whether the prosecution has been able to prove its case ?

I have heard the oral argument advanced by both the parties. I have also gone through the evidences available on record. My decision and reasons for my judgment are discussed below.

### **DECISION**

#### **POINT NO. 1 AND 2:**

In this case, the issues are taken together for the sake of convenience and brevity of discussion.

PW-1 is the son-in-law of the de-facto complainant and the husband of the victim. He has stated that the complaint was lodged due to misunderstanding and nothing else.

PW-2 is the victim and the daughter of the de-facto complainant and she has stated that the complaint was lodged as they used to torture her but she could not recall the details of the incident. She further stated that at present she is happily living with her husband and has no problem. During the cross-examination she has stated that she has no allegations against the accused persons.

From the injury report which had been marked as Exhibit P-3, it can be seen that no external injury was found in the person of the victim, namely Payel Banik Dutta.

Prosecution has failed to produce any witness who could have had stated anything incriminating against the accused persons.

This has made the whole prosecution case infructuous. There is not even a single scrap evidence to support the prosecution case. Not a single evidence has come in favour of the Prosecution, which can incriminate the accused persons.

Considering these facts and the evidence on record, this Court is constrained to hold the accused not guilty as alleged as there is no dint of evidence against the accused persons. The Prosecution has failed to prove the case beyond reasonable doubt.

Hence, it is,

**ORDERED**

that the present accused persons, 01. Tulsi Datta 02. Rina Dutta are found to be not guilty of the offences Under Section 85 of Bharatiya Nyaya Sanhita and are hereby acquitted u/s 271(1) of Bharatiya Nagarik Suraksha Sanhita from the aforesaid charges.

The concerned sureties are discharged from their liabilities. Inform the concerned sureties.

The accused persons be released from the bail bonds.

Let a copy of this judgement be forwarded to DLSA, Dinhata for due intimation to the victim under section 2 (wa) of Code of Criminal Procedure.

Let a copy of Ordering portion of the judgement be forwarded to the Learned APP in charge of this case, for the purpose of dispose of the Case Diary as per Law.

Let the copy of the ordering portion of the judgement be forwarded to the General Registrar of Offences (G.R.O), Dinhata for making necessary noting in the General Register of Offences and drawing up final Memo.

Note in the T.R

D/C by me,

Additional Chief Judicial Magistrate  
Dinhata, Cooch Behar  
WBO1175

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Additional Chief Judicial Magistrate  
Dinhata, Cooch Behar  
WBO1175