

GR(I) 200 of 2022
Reg No. GR 46 of 2026

Form No. (M) 34

FORM A

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| IN THE COURT OF THE JUDICIAL MAGISTRATE, DINHATA, DIST. COOCH BEHAR | |
| Present: Sri Pratyay Pal, Judicial Magistrate, Dinhata, Dist. Cooch Behar JO Code WB01376 | |
| Date of delivery of Judgment: <u>The 07th day of March, 2026</u> | |
| <u>GR(I) 200 of 2022</u> <u>Reg No. GR 46 of 2026</u> <u>CNR WBCB 07-000473-2025</u> <u>T.R. No. 670 of 2025</u> | |
| <u>Sahebganj P.S. case No. 172 of 2022 dated 04.05.2022 under section 498A IPC</u> | |
| COMPLAINANT | State of West Bengal |
| REPRESENTED BY | Ld. APP-in-charge Nihar Ranjan Gupta |
| ACCUSED | 1)Sukumar Barman S/O Manbhola Barman 2) Manbhola Barman S/O Lt. Upen Barman 3)Purni Barman W/O Manbhola Barman 4)Chalmali Barman W/O Ashok Barman Accused No. 1 to 3 resident of Kisamat Dasgram P.S Sahebganj, Dist. Cooch Behar and accused No. 4 is resident of Bhagni Part-II, P.S Dinhata, Dist. Cooch Behar |
| REPRESENTED BY | Ld. Advocate Mijanur Rahaman |

Form No. (M) 35

FORM B

| | |
|--------------------------------------|----------------|
| Date of Offence | 25.04.2022 |
| Date of FIR | 04.05.2022 |
| Date of Chargesheet | 31.05.2022 |
| Date of Framing of Charges | 06.03.2026 |
| Date of commencement of Evidence | 07.03.2026 |
| Date on which Judgment is reserved | 07.03.2026 |
| Date of Judgment | 07.03.2026 |
| Date of the Sentencing Order, if any | Not applicable |

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. | Sukumar Barman | N.A | 17.06.2022 | Section 498A/34 of IPC | Acquitted | N.A. | N.A. |
| 2. | Manbhola Barman | N.A | 17.05.2022 | Section 498A/34 of IPC | Acquitted | N.A. | N.A. |
| 3. | Purni Barman | N.A | 17.05.2022 | Section 498A/34 of IPC | Acquitted | N.A. | N.A. |
| 4. | Chalmali Barman | N.A | 17.05.2022 | Section 498A/34 of IPC | Acquitted | N.A. | N.A. |

JUDGMENT

1. This case arose out of a written complaint filed by one Pallabi Roy before O/C Sahebganj P.S with allegation that she got married with accused no. 1, 02 years ago as per Hindu Rites and Customs. During their conjugal life she gave birth to a female child. After her marriage she was tortured physically and mentally by the accused no. 1 and other accused persons. Lastly on 25.04.2022 at about 5:00 pm the

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accused persons assaulted her and drove her out from her matrimonial house. Hence, the written complaint.

2. On the basis of the complaint Sahebganj P.S. case No. 172 of 2022 dated 04.05.2022 under section 498A IPC was registered. Investigation of the case was taken up and after completion of investigation, Charge Sheet no. 220 of 2022 dated 31.05.2022 was submitted against the above named accused persons under Section 498A of IPC. Cognizance of the case was taken and it was transferred to this Court for disposal on 09.02.2026. Charge was framed against the accused persons U/S- 498A/34 of IPC on 06.03.2026 The contents of the charge was read over and explained to the accused persons to which they pleaded not guilty and claimed to be tried.

3. Accordingly, trial of the accused persons commenced. During trial the following witness is adduced from the side of prosecution:

P.W.1- Pallabi Roy

4. The following document are marked as Exhibits:

Exhibit P-1/PW1- Signature of P.W.1 on the written complaint.

5. After closure of the prosecution evidence, the accused persons were examined under Section 313 Cr.P.C. As they declined to adduce any evidence the D.W was closed, then argument was heard and the case was fixed for judgment.

POINTS FOR DETERMINATION

6. On the basis of facts and circumstances of this case the following points are to be considered:

1. Whether the accused persons are guilty of offence under 498A/34 of IPC?

2. Has the prosecution been able to prove its case beyond all reasonable doubts?

DECISION WITH REASONS

7. Both points are taken up together for convenience and to avoid unwanted repetition. At the first the evidence from the side of the prosecution are required to be discussed.

8. P.W.1 is the defacto complainant who stated that she got married 6 years ago. She had filed this case due to misunderstanding. In her cross-examination she stated that she had presently residing at her husband's house. She had no grievances against the accused. She further stated that she cannot say the contents of the written complaint. Though the offence U/S-498A of IPC is a non compoundable offence but this Court finds that the P.W.1 did not mention any specification regarding incidents of torture as narrated in the written complaint and also stated in her evidence that she filed this case due to misunderstanding. Now, in the circumstances, the evidence of P.W.1 is not sufficient to strictly proof the ingredients of offence U/S-498A of IPC as required in criminal trial. The nature of evidence of P.W.1 is as such that no amount of any other evidence could have proved the case of the prosecution. As such, there is no other option before this Court but to hold that the charge levelled against the accused is not proved.

9. In view of the above discussion and regard being had to all the materials on record, this Court has no hesitation to hold that the prosecution has miserably failed to establish its case against the accused beyond all reasonable doubt and the accused person is accordingly entitled to get an order of acquittal.

10. Hence, it is

ORDERED

that the accused persons are found not guilty of the offence under Section 498A/34 of IPC.

That the accused persons are acquitted in terms of Section 248(1) of Cr.P.C.

The accused persons be released from their respective bail bonds.

Sureties are discharged from their liabilities.

Seized alams if any, be disposed of after the expiry of period of appeal.

Let a copy of this order be sent to District Magistrate, Cooch Behar as per direction of Hon'ble Calcutta High Court in the case of Sabitri Bhunya vs The State of WB and Others.

Copy of order be also sent to Chairman, SDLSC, Dinhat as per direction of Hon'ble Court in above referred case.

The victim as defined in Section 2(wa) of Cr.P.C. has the rights to prefer an appeal under proviso to Section 372 of Cr.P.C and if necessary, to avail free legal assistance through the legal services authorities concerned to prefer and prosecute such appeal.

The case is disposed off.

Note in register and CIS.

D/C by me

Sd/-

(Pratyay Pal)

Judicial Magistrate, Dinhat

Sd/-

(Pratyay Pal)

Judicial Magistrate, Dinhat.

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APPENDIX
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) |
|-------------|-------------|---|
| 1. | Pallabi Roy | Defacto complainant |

B. Defence Witnesses, if any:

| RANK | NAME | NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS OTHER WITNESS) |
|-------------|-------------|---|
| N.A. | N.A. | N.A. |

C. Court Witnesses, if any:

| RANK | NAME | NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS OTHER WITNESS) |
|-------------|-------------|---|
| N.A. | N.A. | N.A. |

LIST OF PROSECUTION / DEFENCE / COURT EXHIBITS

A. Prosecution:

| Sr. No. | Exhibit Number | Description |
|----------------|-----------------------|---|
| 1. | Exhibit P-1/PW1 | Signature of P.W.1 on the written complaint |

B. Defence:

| Sr. No. | Exhibit Number | Description |
|----------------|-----------------------|--------------------|
| N.A. | N.A. | N.A. |

C. Court Exhibits:

| Sr. No. | Exhibit Number | Description |
|----------------|-----------------------|--------------------|
| N.A. | N.A. | N.A. |

D. Material Objects:

| Sr. No. | Material Object Number | Description |
|----------------|-------------------------------|--------------------|
| N.A. | N.A. | N.A. |

Sd/-
(Pratyay Pal)
Judicial Magistrate, Dinhata.