

FORM A

IN THE JUVENILE JUSTICE BOARD
COOCH BEHAR

Present: **Ms. Ananya Dasgupta**, *W.B.J.S.*
Principal Magistrate,
Juvenile Justice Board
Cooch Behar
JO Code: WB01505

Smt. Runa Ganguly
Member, Juvenile Justice Board
Cooch Behar

Smt. Gita Acharjee Mangal
Member, Juvenile Justice Board
Cooch Behar

State of West Bengal
V.S.
One Child

JVTR No: 136/2025
Regd No. GR 109/2025
CNR No: WBCB09-000145-2025
In connection with Pundibari PS Case No-627/2022 dated:
02.11.2022 under sections u/s 498A/494 IPC

Proceeding under the Juvenile Justice (Care and Protection of Children) Act 2015
read with West Bengal Juvenile Justice (Care and Protection of Children) Rule,
2017.

[Date of the Final Order/Judgment:**06-08-2026**]

COMPLAINANT	State of West Bengal
REPRESENTED BY	Mr. R.Kundu Ld. P.P In- Charge,
CHILD	One
REPRESENTED BY	Mr. Rajib Das Ld. Advocate for the CCL

FORM B

Date of offence/act	Since after marriage and on 14.10.202
Date of FIR	02.11.2022
Date of Charge-sheet/Final Report	30.11.2022
Date of plea	28.01.2026
Date of commencement of trial/inquiry	11.05.2026
Date on which Judgment/Final order is reserved	06.08.2026
Date of the Judgment/Final Order	06.08.2026
Date of the sentencing order, if any	N.A.

Child(ren) details:

Rank of the child (ren)	Name of the Child (ren)	Date of apprehension / production	Date of release on bail	Offences charged with	Whether acquitted or convicted	Sentence imposed	Period detention undergone during trial for purpose of section 428 Cr.P.C.
1	XXX	11.11.2025	11.11.2025	u/s 498A/494 IPC	Acquitted	NA	NA

FORM C

LIST OF PROSECUTION /DEFENCE/COURT WITNESSES

A. Prosecution:

Rank	Name	Nature of Evidence (Eye witness, Police witness, Medical witness, Panch Witness, Other witness)
PW-1	Ranjana Das	Witness
PW-2	Swapan Das	Witness
PW-3	Saraswati Roy	Complainant
PW-4	Sanjay Das	Witness
PW-5	ASI Pulok Ghosh	Investigating officer

B. Defence witness, if any: No defence witness adduced.

Rank	Name	Nature of Evidence (Eye witness, Police witness, Medical witness, Panch Witness, Other witness)
DW-1	Nil	

C. Court witnesses, if any: No Court witness adduced.

Rank	Name	Nature of Evidence (Eye witness, Police witness,
------	------	--

		Medical witness, Panch Witness, Other witness)
Nil	Nil	Nil

LIST OF PROSECUTION /DEFENCE/COURT EXHIBITS

A. Prosecution:

Sl No	Exhibit number	Description
1.	Exhibit-PW3/P1	Signature of PW1 on C/C of written complaint dt. 01.11.2022
2.	Exhibit-PW3/P2	Signature of PW-3 on the C/C of seizure list dt. 02.11.2022
3.	Exhibit-PW3/P3	Signature of PW3 on C/C of zimmanama
4.	Exhibit-PW5/P1	Receiving endorsement along with signature on the C/C of the written complaint dt. 02.11.2022 made by O/C (in charge) of Pundibari P.S.
5.	Exhibit-PW5/P2	Formal FIR duly filled up and signed by the then O/C of Pundibari PS.
6.	Exhibit-PW5/P3 (Series)	Rough sketch map along with index in one sheet of paper duly prepared by PW-5
7.	Exhibit-PW5/P4	C/C of seizure list dt. 02.11.2022 duly prepared and signed by PW5
8.	Exhibit-PW5/P5	Zimmanama duly prepared by PW5

B. Defence: No defence witness.

Sl No	Exhibit number	Description
Nil	Nil	Nil

C. Court Exhibits:

Sl No	Exhibit number	Description
Nil	Nil	Nil

D. Material Objections:

Sl No	Exhibit number	Description
Nil	Nil	Nil

FINAL ORDER

1. The brief fact of the case, as can be gathered from the First Information Report (hereinafter referred to as FIR) is that on 17.04.2018 the complainant got married with one Avisekh Roy as per Hindu rites and custom. They started their conjugal life together in her matrimonial home. After marriage, her husband and others started torturing her mentally and physically and demanded money from her paternal house. Since one and half years before filing this complaint, the complainant came to know that her husband has married the CCL and is staying with her in Siliguri.

2. After receiving the written complaint, the Punidbari Police Station Case No. 627 of 2022 dated 02.11.2022 under sections 498A/494 of Indian Penal Code (herein after referred to IPC) was started.

3. On 11.11.2025 this instant file was opened at this Board for inquiry under the Juvenile Justice (Care and Protection of Children) Act, 2015 (hereinafter referred to as “the Act”).

4. After the completion of the investigation, the final report has been submitted against the CCL u/s 498A/494 of IPC. The plea of the CCL was recorded accordingly on 28.01.2026 for offence punishable u/s 498A/404 of IPC to which CCL denied her involvement in the alleged activities by pleading not guilty and claimed to be tried.

5. After recording of evidence of the prosecution, the CCL was examined under sections 313/281 of Cr.P.C. read with section 14(5) of the Act on 06.08.2026.

EVIDENCE ON RECORD

1. Five witnesses were examined as stated above by the prosecution. Five documents have been admitted in this case from the side of the prosecution.
2. No defense witness has been examined.

POINTS FOR DECISION

- i. Whether the CCL is involved into commission of activities punishable under section u/s 498A/494 of IPC?
- ii. Whether the prosecution has been able to prove this proceeding against the CCL?

DECISION WITH REASONS

1. The points for consideration are taken up together for consideration for the sake of brevity and as they are intertwined. The facts of the case will have been considered through the evidence available in record to decide the points.

2. Ranajana Das, public witness, has been examined as PW-1 in this case. She deposed that she knows the complainant of this case who is her neighbour. She married one Abhisekh Roy about 6-7 years ago. After marriage, she went to matrimonial home. She gave birth to one female child. However, after marriage the complainant spent more time at her parental house than her matrimonial home. She could not identify the CCL before the Board. She stated that she was at her parental home when the case was filed. She stated that she does not know anything else.

During her cross-examination, she stated that the police never interrogated her in this case.

3. Swapan Das, uncle of the complainant, was examined as PW2 in this case. He stated that the complainant of this case is his niece. He stated that the complainant got married to one person out of love affairs about 6 years ago. He did not remember his name. He stated that the complainant left her matrimonial home. He stated that he does not know why she left his house. Police did not interrogate him in this case. He could identify the CCL before the Board. Ld. Prosecution prayed for the witness to be declared as hostile and prayed for cross-examination, which was allowed. During cross-examination by the Ld. Prosecution, he denied that the police interrogated him in this case, and he stated to them that the complainant got married to one Abhisekh Roy. He denied that he stated that he was invited at the wedding and a few days after the wedding, the husband and in-laws started physically and mentally torturing the complainant. Lastly, he heard from her that her husband and in-laws conspired to get her husband married to the CCL and they are living in Siliguri. He denied that he deposed falsely due to pressure faced in his village.

During his cross-examination, he stated that he received summons and appeared to depose in this case. He does not know anything about this case.

4. Saraswati Roy, the complainant, has been examined as PW-3 in this case. She deposed that she lodged this case 5 years ago against the CCL and others. She stated that she does not know the CCL. She stated about 5 years ago her husband had gone to Dhubri for work. He stopped all contact with her. She spoke with the owner of the lodge who told her that her husband has left with some girl. Then she filed a missing diary. Through her evidence her signature on the written complaint dt. 01.11.2022 is marked as **Exhibit PW3/P1**. The police seized her marriage related document. Her signature on the seizure list and zimmanama is marked as **Exhibit PW3/P2** and **Exhibit PW3/P3** respectively. Police interrogated her in this case.

Ld. Defence declined to cross-examine her.

5. Sanjay Das, public witness, was examined as PW4 in this case. He stated that the complainant, who is his sister, lodged this case 5 years ago against the CCL and others. He stated that he does not know the CCL. About 5 years ago, his sister's husband stopped all contact with her. He stated that he does not know anything else apart from this. Police did not interrogate him in this case.

Ld. Defence declined to cross-examine him.

6. ASI Pulok Ghosh, the investigating officer of this case, was examined as PW-5 in this case. He stated that at present he is posted as ASI at Dinhata P.S., Coochbehar. On 02.11.2022, he was posted as ASI at Pundibari P.S., Coochbehar. On that day the then in-charge I/C of Pundibari P.S. namely SI Nakul Roy endorsed him this case for investigation. Being a colleague, he is well acquainted with the hand writing of the then in-charge of I/C Pundibari PS namely SI Nakul Roy. Through his evidence, the receiving endorsement along with signature on the C/C of written complaint dt. 02.11.2022 is marked as **Exhibit PW5/P1**. Through his evidence the formal FIR is marked as **Exhibit-**

PW5/P2. He deposed that during the investigation; he visited the P.O. and examined all the available witnesses and rough sketch map along with index in two sheets of paper. Through his evidence the same was marked as **Exhibit-PW5/P3(Series)**. Through his evidence, the seizure list dt.02.11.2022 and the zimmanama is marked as **Exhibit-PW5/P4 and Exhibit-PW5/P5**. After completion of investigation and in consultation with his superior officers he submitted the chargesheet against the CCL and others.

During his cross-examination, he deposed that he did not seize anything other than the birth certificate of the CCL. He stated that he did not find anything documents regarding the complainant's husband. He admitted that he did not examine Ranjit Roy, Madan Das & Khkhon Roy ou/s 180 BNSS not cited their names as witnesses in the chargesheet. He stated that he did not cite anyone as witnesses near the complainant's husband's house. He admitted that it is stated in the chargesheet that he informed the complainant that he has submitted chargesheet in this case. He deposed that it is not stated in the case diary that his superior has given any direction regarding investigation or submitting chargesheet. He denied that he submitted chargesheet without doing proper investigation.

7. On perusal of the entire case record and the evidence of the prosecution witnesses, that the complainant and other witnesses do not even recognize the CCL and there is no positive evidence to prove that she is the person who married the complainant's husband. The complainant in her evidence deposed that her husband 'left with some girl' and does not talk about marriage, so it cannot be said that she made an allegation of offence u/s 494 IPC against anyone. Thus, considering the evidence of the prosecution witnesses, we are of the view that the CCL has done no offence as charged against her. We also find that proper and sufficient evidence has not come forward through this inquiry to show the complicity of the CCL in commission of the alleged activities. The quality of evidence that have flowed from the prosecution side is inadequate and the same cannot be relied upon to establish any of the charges conclusively against the CCL.

8. As such, there is nothing before this Board to conclusively hold that the CCL can be associated with the accusation of the complainant. During her examination u/s 313 Cr.P.C, the CCL has also denied her involvement with the allegation.

9. Now since the prosecution failed to prove the case as put forward by them and there is no proper and cogent evidence against the CCL, we are satisfied to hold that the child brought before this Board has not committed any offence and as such he deserves to be acquitted under section 255 (1) of the Cr.P.C. The points are decided accordingly.

10. Hence it is,

O R D E R E D

that the CCL has not committed any offence punishable under section u/s 498A/494 of the hereby she is declared to be child found not in conflict with law under section 17 of the Juvenile Justice (Care and Protection of Children) Act, 2015.

11. Her guardian is hereby, discharged from the guardian bonds forthwith.

12. The seized alat, if any be disposed off after the expiry of appeal period.

13. Let a copy of this judgement be forwarded to Secretary, DLSA, Cooch Behar at once.

14. Note in the Register and CIS.

Typed, printed and corrected by me:

Sd/-

[Ms. Ananya Dasgupta]
Principal Magistrate
Juvenile Justice Board
Cooch Behar
J.O. Code: WBCB01505

Sd/-

[Ms. Ananya Dasgupta]
Principal Magistrate
Juvenile Justice Board
Cooch Behar
J.O. Code: WBCB01505

01. I agree.

Sd/-

[Smt. Gita Acharjee Mangal]
Member-I

02. I agree.

Sd/-

[Smt. Runa Ganguly]
Member-II