

WBCS010006792011



Presented on : 08-06-2011
Registered on : 08-06-2011
Decided on : 06-05-2026
Duration : 14 years, 10 months & 28 days

FORM A (M) 34

IN THE COURT OF ADDITIONAL SESSIONS JUDGE,
FAST TRACK COURT NO-1,
CITY SESSIONS COURT, CALCUTTA

Present:
Koustuv Mukhopadhyay
(J.O. Code WB01059)
Additional Sessions Judge, FTC-1
City Sessions Court,
Calcutta

Date of Judgment : 06.05.2026
SC Case No. 48 of 2011
T.R No. 02 of 2018

ST No. 03 (09), 2013

Arising out of Maidan PS Case No. 10 of 2011 dated 04.02.2011

CNR - WBCS01 -000679 - 2011

(Details of FIR/Crime and Police Station)

COMPLAINANT	State of West Bengal
REPRESENTED BY	Public Prosecutor Smt. Mithu Das
ACCUSED	Pramad Kumar Borana @ Vinoy Singh
REPRESENTED BY	Ld. Advocate Aloke Das

FORM B (M) 35

Date of Offence	03.02.2011 & 04.02.2011
Date of FIR	04.02.2011

Date of Charge Sheet	12.05.2011
Date of Charge	09.01.2012
commencement of Evidence	05.12.2013
Date on which Judgment is reserved	06.05.2026
Date of the Judgment	06.05.2026
Date of the Sentencing Order, if any	Acquitted

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.
A1	Pramad Kumar Borana @ Vinoy Singh	18.02.2011	18.07.2011	U/s 376/307 of IPC	Acquitted	Nil	N.A.

FORM C (M) 36

LIST OF PROSECUTION/DEFENCE/COURT WITNESSES

A. Prosecution :

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, PANCH WITNESS, OTHER WITNESS)
PW1	Name withheld	Victim girl
PW2	Name withheld	Mother of the VG
PW3	Name withheld	Father of the VG
PW4	Surjit Kumar	Independent witness
PW5	Anita Kumari	Independent witness
PW6	Nandalal Giri	Independent witness
PW7	Pranab Kumar Bhattacharya	Independent witness
PW8	Prasanta Baidy	Independent witness
PW9	Kaberi Sengupta Roy	Independent witness
PW10	Dr. Krishna De	Medical witness
PW11	Dr. Abul Kasem Molla	Medical witness
PW12	Dr. Biswanath Kahali	Medical witness
PW13	Moumita Bhattacharya	Judicial Officer
PW14	Brojendra Nath Kayal	Plan Maker

PW15	Purnendu Roy	Photographer
PW16	Dhirendra Singh	Police witness
PW17	Akhil Kumar Biswas	First IO of the case
PW18	Sajedur Rahman	Final IO of the case

B. Defence witnesses, if any :

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, PANCH WITNESS, OTHER WITNESS)
DW1	Naresh Pandit	Ex-Army

C. Court witnesses, if any :

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, PANCH WITNESS, OTHER WITNESS)
CW	NIL	N.A

LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS

A. Prosecution :

Sr. No	Exhibit Number	Description	Identified by
1	Exbt. 1	Signature of PW1 on the statement	PW1
2	Exbt. 2	Signature of PW1 on the further statement	PW1
3	Exbt. 2/1	Signature of PW16 on the statement	PW16
4	Exbt. 2/2	Entire statement of PW1	PW16
5	Exbt. 2a	Signature of PW1 on the further statement	PW1
6	Exbt. 3	Signature of PW1 on the statement u/s 164 of Cr.P.C	PW1
7	Exbt. 3/a	Signature of PW1 on the statement u/s 164 of Cr.P.C	PW1
8	Exbt. 3/b	Signature of PW1 on the statement u/s 164 of Cr.P.C	PW1
9	Exbt. 3/c	Signature of PW1 on the statement u/s 164	PW1

		of Cr.P.C	
10	Exbt. 13/1	Statement dated 04.02.2011	PW13
11	Exbt. 4	Signature of PW4 on the seizure list dated 04.02.2011	PW4
12	Exbt. 5	Signature of PW6 on the seizure list dated 09.02.2011	PW6
13	Exbt. 6	Signature of PW6 on the label	PW6
14	Exbt. 7	Signature of PW6 on the label	PW6
15	Exbt. 8	Signature of PW6 on the label	PW6
16	Exbt. 9	Signature of PW7 on the label	PW7
17	Exbt. 10 series	Signature of PW8 on the treatment sheet	PW8
18	Exbt. 10/a	Signature of PW11 on the treatment sheet	PW11
19	Exbt. 11	The certificate	PW9
20	Exbt. 12	Medical examination report	PW12
21	Exbt. 13	Report of ossification test	PW12
22	Exbt. 14	Medical examination report of Promod Kr. Borana	PW12
23	Exbt. 15	Rough sketch map	PW14
24	Exbt. 16	Final sketch map	PW14
25	Exbt. 17	Seizure list dated 01.03.2011	PW18
26	Exbt. 17/1	Signature of PW17on the seizure list dated 01.03.2011	PW18

B. Defence :

Sr. No.	Exhibit Number	Description
1	Exbt.A	Answer of quarries
2	Exbt.B	Police report of Arshi Begum
3	Exbt.C	One letter dated 21.04.2011
4	Exbt.D	One letter dated 13.05.2011

C. Court's Exhibits :

Sr. No.	Exhibit Number	Description
NIL	NIL	NIL

D. Material objects :

Sr. No .	Exhibit Number	Description
1	Mat Exbt. I	Signature of PW4 on the label
2	Mat Exbt. II	Iron wire
3	Mat Exbt. III	Lower part of salwar
4	Mat Exbt. IV	Upper part of salwar
5	Mat Exbt. V	Orna
6	Mat Exbt. VI	Inner
7	Mat Exbt. VII	Eight photographs

JUDGMENT

A. PROSECUTION CASE

- 1.The prosecution case, as gathered from the written complaint and the charge-sheet, is that on 03.02.2011 at about 6:00/7:00 p.m, the accused allegedly committed forcible sexual intercourse upon the survivor against her will and consent and further threatened to kill her parents if she disclosed the incident.
- 2.It is further alleged that the accused restrained the survivor, switched off the lights of the building, forcibly disrobed her, and committed rape.
- 3.The survivor further alleged that the accused extended threats of dire consequences to prevent disclosure of the incident.
- 4.It is also the case of the prosecution that on the following day, i.e., 04.02.2011, the accused again called the survivor to the same place and threatened her with harm to her parents in case of non-compliance.
- 5.It is alleged that on that day, the accused took the survivor to the terrace and attempted to commit rape again, and when she resisted

and tried to flee, he assaulted her, causing her to lose consciousness.

She was subsequently found in hospital.

6. The survivor stated that she narrated the incident before the police and the doctor.

B. INVESTIGATION & CHARGE-SHEET

7. On the basis of the statement of the survivor, an FIR being Maidan P.S. Case No. 10/2011 dated 04.02.2011 was registered.

8. Investigation was taken up, during which the Investigating Officer examined witnesses, inspected the place of occurrence, and arranged medical examination of both the victim and the accused.

9. Upon completion of investigation, a charge-sheet was submitted against the accused under Sections 376/307 IPC.

C. CHARGES AGAINST THE ACCUSED

10. The case was committed to the Court of Sessions, and charge under Sections 376 and 307 IPC was framed against the accused.

11. The accused pleaded not guilty and claimed to be tried.

D. TRIAL

12. The prosecution examined eighteen witnesses, including the survivor (PW1), her parents (PW2 and PW3), and other formal and technical witnesses.

13. PW1, the survivor, reiterated the allegations in her examination-in-chief; however, material discrepancies and inconsistencies surfaced during cross-examination.

14. PW2 and PW3, being hearsay witnesses, deposed based on what was told to them by the victim.

15.PW4 to PW18 are formal and technical witnesses whose testimonies relate to investigation and medical examination.

16.After closure of prosecution evidence, the accused was examined under Section 313 Cr.P.C., wherein he denied all allegations.

E. DEFENCE CASE

17.The defence is one of complete denial and false implication. It is contended that the prosecution case is riddled with contradictions, lacks corroboration, and fails to establish the essential ingredients of the alleged offences.

F. POINTS FOR DETERMINATION

18.The following points arise for consideration:

- Whether the prosecution has proved beyond reasonable doubt that the accused committed rape punishable under Section 376 IPC?
- Whether the prosecution has proved beyond reasonable doubt that the accused committed an act amounting to attempt to murder under Section 307 IPC?

G. DECISION WITH REASONS

19.It is a fundamental principle of criminal jurisprudence that the burden of proof rests entirely upon the prosecution, and that burden never shifts. The prosecution is required to establish its case beyond reasonable doubt by leading cogent, reliable, and convincing evidence. The accused is presumed innocent unless such burden is satisfactorily discharged. Any reasonable doubt arising from the evidence must necessarily cause benefit to the accused.

20. In order to bring home a charge under Section 376 of IPC, the prosecution must prove two essential ingredients: first, that sexual intercourse took place, and second, that such intercourse occurred without the free and voluntary consent of the survivor.
21. Mere allegation is not sufficient; the absence of consent must be clearly demonstrated through trustworthy evidence. Likewise, to sustain a conviction under Section 307 of IPC, the prosecution must establish that the accused acted with the intention or knowledge that his act was likely to cause death, and that he performed an overt act towards the commission of such offence. The nature of the act, the weapon used, and the surrounding circumstances must clearly reflect such intention or knowledge.
22. In the present case, although the testimony of the prosecutrix carries evidentiary value and cannot be discarded lightly, it is not free from scrutiny. Upon careful examination, her version reveals material inconsistencies and contradictions relating to the manner of occurrence, sequence of events, and surrounding circumstances. These discrepancies are not minor in nature but go to the root of the prosecution case, thereby affecting its credibility.
23. It is also noteworthy that no independent witness has been examined by the prosecution to corroborate the alleged incident. This assumes significance particularly because the place of occurrence is stated to be accessible and not secluded. In such circumstances, the absence of corroborative testimony from independent sources casts a shadow on the prosecution story and raises questions regarding its veracity.

24.The medical evidence on record does not conclusively support the allegation of forcible sexual assault. The absence of injuries on the body of the survivor, coupled with the lack of definitive medical findings suggestive of force or resistance, creates a reasonable doubt. While it is true that absence of injuries is not always fatal to the prosecution case, in the present facts, it assumes importance in light of the inconsistencies in the oral testimony.

25.With respect to the alleged offence under Section 307 of IPC, there is no cogent or convincing evidence to establish that the accused possessed the requisite intention or knowledge to cause death. The allegation that the victim was rendered unconscious, in the absence of any medical opinion indicating that the injuries were dangerous to life or sufficient in the ordinary course of nature to cause death, is insufficient to attract the rigours of Section 307 of IPC. The essential ingredients of the offence remain unproved.

26.Furthermore, there are noticeable delays and inconsistencies in the lodging of the complaint as well as in the investigation process. These delays have not been satisfactorily explained by the prosecution. Such lapses assume importance as they create room for embellishment, exaggeration, or fabrication, thereby weakening the overall reliability of the prosecution case.

27.It is a well-settled principle of law that suspicion, however grave or compelling it may appear, cannot substitute legal proof. The courts are required to base their findings on evidence that meets the threshold of certainty required in criminal cases, and not on conjectures or probabilities.

28. In view of the aforesaid deficiencies, contradictions, and lack of credible supporting evidence, this Court is of the considered opinion that the prosecution has failed to establish the essential ingredients of the offences under Sections 376 and 307 of IPC beyond reasonable doubt. Consequently, the accused is entitled to the benefit of doubt.

H. CONCLUSION

28. The evidence on record does not inspire confidence and falls short of the standard required for conviction in a criminal trial.

29. The accused is, therefore, entitled to the benefit of doubt.

I. ORDER

30. Hence, it is

ORDERED

that the accused is acquitted from the charges under Sections 376 and 307 IPC under Section 235(1) of the Cr.P.C.

31. The accused is on bail, and his bail bonds shall remain in force for six months in terms of Section 437A Cr.P.C.

32. He be set at liberty forthwith, if not wanted in any other case.

33. Let a copy of this judgment be uploaded as per rules and communicated to the concerned authorities.

34. Office to take necessary steps accordingly.

35. Dictated & corrected by me on this 6th day of May, 2026.

Koustuv Mukhopadhyay
Additional Sessions Judge,
FTC-1, Calcutta.

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