



**IN THE COURT OF METROPOLITAN MAGISTRATE, 17TH
COURT, CALCUTTA (IN-CHARGE OF 5th COURT)**

PRESENT : Smt. Erina Chatterjee
Metropolitan Magistrate, 17th Court,
Calcutta

Date of delivery of Judgment : 28th day of March, 2024

Case No . : G.R. 801/2017

T. R. 120/2018

C.I.S Registration No:- GRN-801/2017

CNR No: WBCS02-079398-2017

(Details of F.I.R / Crime and Police Station)

Complainant	State of West Bengal
Represented by	Mr. Mrinmay Mitra, Ld. A.P.P.
Accused	1. Swapan Bhattacharjee @ Guna S/o- Nazrayan Bhattacharjee Address: 12, Nayratua Lane PS- Shyampukur, Kol-04(Dalgola Basti)
Represented by	Mr.

Date of Offence	25.04.2017
Date of FIR	25.04.2017
Date of Charge-sheet	28.12.2017
Date of framing of charges	02.08.2022
Date of commencement of evidence	12.09.2022
Date on which judgment is reserved	28.03.2024
Date of the Judgment	28.03.2024
Date of the sentencing order, if any	NIL

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.PC
1	Swapan Bhattacharjee @ Guna		08.06.2017	354/509/506 of IPC	Acquitted	----	----

List of prosecution/ defence/Court witnesses:

A. Prosecution:-

Rank	Name	Nature of evidence
PW-1	Sikha Mondal	De-facto complainant cum victim

B. Defence witness, if any:- NIL

C. Court witness, if any:- NIL

List of prosecution/ defence/Court Exhibits:

A. Prosecution:-

SR. No.	Exhibit no.	Description
1	Exhibit- 1	Written complaint

B. Defence Exhibits:- NIL

C. Court Exhibits:- NIL

D. Material Objects:- NIL

JUDGMENT

1. This is a case under Sections 354/509/506 of the Indian Penal Code (hereinafter referred to as 'the I.P.C ; for short) against the accused person above – named.

2. Prosecution case, details apart, is that the on 25.04.2017 at about 9.30 pm the accused person uttering abusive languages towards the complainant and pulling her hand with intend to insult her modesty and also threatened at the crossing of Balaram Ghosh Street and Padmanath Lane. Over the incident, the said Sikha Mondal lodged one written complaint at Shyampukur P.S.

3. On the basis of the said written complaint, Shyampukur P.S. Case no. 76 dated 25.04.2017 u/s 354/509/506 of IPC was started. The case was taken up for investigation and after completion of the investigation, the accused person was charge-sheeted u/s 354/509/506 of the I.P.C. Copies of all the relevant documents were furnished to the accused person. Thereafter, he was sent up to face the trial.

4. On perusal of case record, prima-facie material u/s 354/509/506 of the I.P.C was found against the accused person and accordingly, a formal charge u/s 354/509/506 of the I.P.C. was framed against the accused person which was read over and explained to him to which he pleaded not guilty and claimed to be tried.

5. In course of trial, the prosecution examined only one witness on its behalf .

6. The accused was examined u/s 313 of Cr.P.C

7. No defence evidence has been adduced in this case.

8. I have heard the oral arguments advanced by both the parties.

Points for Determination

9. Whether the accused person is guilty of committing the offence u/s 354/509/506 of the I.P.C?

10. I have gone through the evidence available on record. My decision and reasons for my decision are discussed below:

DISCUSSION, DECISION AND REASON THEREOF :

11. In this case, prosecution has examined only one witness namely, Sikha Mondal as PW 1.

12. PW 1 Sikha Mondal is the defacto complainant of this case. During her examination-in-chief, she has deposed that she is the defacto complainant of this case. She does not remember anything about the alleged incident and she does not want to proceed with this case as the case is amicably settled between the parties.

Her cross examination is deferred by the Ld. Defense Counsel.

13. On appraisal of evidence on record, it transpires that the prosecution was succeeded to examine only one witness. PW1 is the defacto complainant cum victim of this case. During her examination-in-chief she deposed that she does not remember anything about the alleged incident and does not want to proceed this case. Apart from evidence of PW1, no other evidence either oral or documentary was adduced by the prosecution. Therefore, there is no any corroborative evidence on record to support the prosecution story. Instead,a revelation has been made that the dispute is now amicably settled between the parties. So, prosecution has failed to prove the guilt of the accused person beyond reasonable doubt.

14. On the basis of above-made discussion, this court is hereby constrained to hold the accused person not guilty to the charge u/s 354/509/506 of the I.P.C. Consequently the prosecution case fails and the accused person deserve an order of acquittal.

15. Hence, it is

Ordered

that the sole accused person is found not guilty to the charge u/s 354/509/506 of the I.P.C. and he is acquitted under Section 248(1) of the Cr.P.C.

The accused person is hereby discharged from his bail bond/s, if any ; and set at liberty forthwith. Inform the concerned Surety/ies.

D/c by me.

Sd/- E. Chatterjee
M.M 5th Court, Calcutta(I/C).

Sd/- E. Chatterjee

(Erina Chatterjee)
Metropolitan Magistrate, 17th Court, Calcutta
(In-Charge of 5th Court)