



FORM- A

IN THE COURT OF
ADDITIONAL DISTRICT & SESSIONS JUDGE,1st COURT
DAKSHIN DINAJPUR AT
BALURGHAT

Present : Ansuman Chattopadhyay
 Addl. Sessions Judge,1st Court,
 Dakshin Dinajpur at Balurghat,
 JO Code :- WB00820.

Date of Judgment: Tuesday, the 23rd day of June, 2026.

SPECIAL CASE NO. 69 OF 2024
Sessions Trial No.55 of 2024
Computer Regn. No. 69 of 2024
CNR:- WBDD01-000474-2024

Details of Crime/FIR/Police Station : Tapan P.S.Case No. 221 of 2019 dt. 02.09.2019 under
sec.306/34 of the Indian Penal Code.

Complainant	State of West Bengal
Represented by	Shri Debasish Ghosh Dastider Ld Additional Public Prosecutor.
Accused Person	1. Mohasen Ansari 2. Serajul Ansari 3. Rasida Bibi
Represented by	Subrata Ghosh & Ritu Roy Ld Advocates for the accused persons

FORM -B

Date of Offence	31/08/2019
Date of FIR/Complaint	02/09/2019
Date of Charge-sheet	31/10/2019
Date of Framing of Charge	03/06/2024
Date of commencement of Evidence	03/05/2025
Date on which Judgment is reserved	09/06/2026
Date of the Judgment	23/06/2026
Date of the Sentencing Order, if any	NA

Accused Details



Rank of the Accused	Name of the Accused	Date of arrest	Offences charged with	Whether acquitted or convicted	Sentence imposed	Period of Detention Undergone during Trial for purpose of Section 428 of Cr.P.C.
(A-1)	Mohammad Ansari		306/34 of the Indian Penal Code	Acquitted.	NA	NA
(A-2)	Serajul Ansari		306/34 of the Indian Penal Code	Acquitted.	NA	NA
(A-3)	Rasida Bibi		306/34 of the Indian Penal Code	Acquitted.	NA	NA



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)
P.W.-1	Biswajit Biswas	Scribe
P.W-2	Rafikul Mahalat	Father of deceased victim
P.W-3	Ajjul Mahalat	Independent
P.W-4	Jafar Molla	Independent
P.W-5	Subrata Saha	Inquest Officer
P.W-6	Mostafa Molla	Covillager
P.W-7	Hamidur Molla	Covillager
P.W-8	Satkar Syanbo	Office in Charge of P.S.
P.W-9	Samar Kr.Ghosh	Investigating Officer

B. Defence Witnesses, if any: N.A

Rank	Name	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
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C. Court Witnesses, if any: N.A

Rank	Name	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)

LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS

A. Prosecution:

Exhibit Number	Description
Exhibit-1	Written Complaint



4

Exhibit-2/1 Exhibit-3 Exhibit-4 Exhibit-5 Exhibit-1/1 Exhibit-6 series Exhibit-7 Exhibit-8	Signature of P.W-2 on written complaint Inquest Report Dead Body challan Formal FIR Endorsement on the written complaint Rough sketch map of the PO with index Carbon copy of seizure list P.M Report
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B. Defence: N.A

Sr. No.	Exhibit Number	Description
1		
2		

C. Court Exhibits: N.A

Sr. No.	Exhibit Number	Description
1		

D. Material Objects: N.A

Sr. No.	Material Object Number	Description
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J U D G M E N T

1) The instant prosecution case cropped up in the wake of the suicide allegedly committed by a young girl aged 14 years. On 02/09/2019, the defacto-complainant of this case, namely one Rahimuddin Mahalat, had lodged a written complaint addressed to the Officer in Charge of Tapan P.S, thereby stating that her niece, Ruma Parvin Mahalat, aged 14 years, was a student of standard-IX in Vior Jalalia High School. It has further been alleged by the defacto complainant that whenever she travelled to her school or for taking her private tuitions, the aforesaid accused no.1 Mahasin Anchhari used to irritate and annoy her. It is also claimed that that the said deceased victim,



namely, Ruma Parvin used to take her tuitions from one Raju Sengupta at Hardighi. It is contended that on many occasions, the said victim used to complain to the defacto complainant and other members of her family regarding the disturbances created by the accused no.1 on her way to the said private tuition. For the said reasons, the defacto complainant and others had repeatedly intimidated and complained about the said incidents of harassment to the parents of the principal accused no.1, who had been implicated as accused nos. 2 and 3 herein. Instead of paying any heed to their complaints, they omitted to take any step against their son to prevent him from his indecent acts and conduct, as complained of.

- 2) In the said written complaint, the defacto-complainant further averred that the accused no.1 repeatedly exasperated the victim by proposing marriage to her. Upon refusal of the latter, the accused no.1 allegedly threatened to kidnap her. On 27/08/2019, at about 5.00 p.m in the evening, when Ruma purportedly went to Hardighi market for purchase of some exercise books, at that point of time, in the vacant land between the petrol pump and Hardighi market, accused no.1 Mohasin Anchhari, in furtherance of his preconceived plan, attempted to kidnap the victim by forcefully lifting her on his motorcycle. Somehow, the victim managed to resist. On her resistance and objections, the said accused allegedly kissed her forcibly and outraged her modesty by touching various private parts of her person. At this juncture, upon intervention of the passers by, the accused abstained himself and fled away from the place. On returning home, the victim informed about the said specific incident to her family members. Her relatives then went to the house of the accused persons and complained about accused no.1 to the accused nos.2 & 3. On this, all the accused persons together hurled abuses at them in filthy language and also instigated Ruma Parvin Mahalat to commit suicide. Being afraid of losing her self-respect and social esteem the victim (niece of the defacto complainant) did not file any formal



complaint before any authority whatsoever but she became very subdued and suppressed after the said incident. It is furthermore the contention of the written complaint that on 30/08/2019, at about 4.00 p.m, while returning home from school, the accused no.1 chased the victim again for the purpose of kidnapping her. The latter somehow escaped and reached home. On 31/08/2019, at about 8:30 a.m, taking advantage of the absence of other inmates of the house, being unable to tolerate the said mental torture inflicted on the part of the accused persons, victim Ruma Parvin Mahalat committed suicide by strangulating herself with her own scarf (ওড়না).

- 3) Upon receipt of the said written complaint, the concerned P.Sauthorities initiated Tapan P.S.Case No.221/2019 dt. 02/09/2019 against the accused persons for offences under section 306/34 of the Indian Penal Code.
- 4) On completion of investigation, the concerned IO submitted the charge sheet against all three FIR-named accused persons for the same offences for which the criminal case was set into motion.
- 5) Thereafter, the case was committed by Ld. Chief Judicial Magistrate, Balurghat to the Ld Sessions Judge, Dakshin Dinajpur, wherefrom it was again transferred to this court for trial and disposal in accordance with law.
- 6) Accused persons entered their appearance before this court. On consideration of the materials available on record and in the C.D, formal charge was inadvertently framed against the accused persons for offences under sec.107/3(5) B.N.S , although the case was supposed to be proceeded with and regulated by the operation of Cr.P.C and I.P.C. Be that as it may, subsequently by way of order dt. 22/06/2026, the said charge was duly modified and fresh formal charge was framed under sec.306/34 I.P.C. The said charge was read over and explained to the accused persons individually in Bengali, in reply to which they pleaded not guilty and claimed to be tried. Hence the trial was proceeded with accordingly.



7

- 7) Ld. Additional P.P as well as Ld. Advocate for the accused persons had both agreed to adopt the evidence of witnesses, as were recorded in the trial under the wrongful/incorrect framing of charge of sec.107/3(5) of the B.N.S.
- 8) Defence case, as it buoyed up out of the cross examination of prosecution witnesses, examination of the accused persons under sec.313 Cr.P.C and the argument as advanced by Ld. Defence Counsel, was that of absolute denial of prosecution story and plea of innocence.
- 9) **POINTS FOR CONSIDERATION :-**
- a) Whether or not, for a substantial period till 31/08/2019, the accused persons at Vior, Vikahar under the jurisdiction of Tapan P.S, in furtherance of their common intention, had continuously instigated the deceased victim of this case to commit suicide, thereby committing offence under sec.306/34 of the Indian Penal Code ?
- b) Whether or not the prosecution has been able to establish the said charge/ allegation beyond shadows of all reasonable doubt ?

10) **EVIDENCE ON RECORD**

For the purpose of establishing its case, the prosecution had produced the following persons as witnesses in this case:--

P.W.-1	Biswajit Biswas	Scribe of the written complaint
P.W-2	Rafikul Mahalat	Father of deceased victim
P.W-3	Ajijul Mahalat	Independent witness
P.W-4	Jafar Molla	Independent witness
P.W-5	Subrata Saha	Inquest Officer
P.W-6	Mostafa Molla	Independent witness
P.W-7	Hamidur Molla	Independent witness



P.W-8	Satkar Syanbo	Office in Charge of P.S. (RO)
P.W-9	Samar Kr.Ghosh	Investigating Officer

11) In addition to that, prosecution had also banked upon the following documents produced through witnesses, which were marked as exhibits :--

Exhibit Number	Description
Exhibit-1	Written Complaint
Exhibit-2/1	Signature of P.W-2 on written complaint
Exhibit-3	Inquest Report
Exhibit-4	Dead Body challan
Exhibit-5	Formal FIR
Exhibit-1/1	Endorsement on the written complaint
Exhibit-6 series	Rough sketch map of the PO with index
Exhibit-7	Carbon copy of seizure list
Exhibit-8	P.M Report

All the aforesaid nine witnesses were cross-examined in full by the Ld. defence advocate.

No evidence, either verbal or documentary, was adduced by or on behalf of the accused persons.

DECISION WITH REASONS

12) For the purpose of brevity and to avoid undue repetition, both the aforementioned points are taken up together for discussion



simultaneously in the light of the evidence adduced by the prosecution witnesses.

- 13) Prior to assessing the merits of this case, let us minutely scrutinise the evidence as adduced on behalf of the prosecution.
- 14) In his evidence as P.W-1, the aforementioned Biswajit Biswas stated that he was a scribe by profession and written complaint of this case was drafted and written by him as per the instruction and at the instance of the defacto complainant, Rahimuddin Mahalat. Based on his evidence the said written complaint was marked as Exhibit-1.
- 15) Since the said witness did not lend any support to the prosecution story, Ld. Advocate for the accused persons also did not feel the necessity of cross examining the said witness.
- 16) P.W-2, Rafikul Mahalat, stated in his evidence-in-chief that the deceased victim, namely, Ruma Parvin Mahalat was his daughter who had expired about six years back by hanging herself. P.W-2 also mentioned that the victim was being disturbed and bothered by one "Ansari" with proposals of marriage. The witness also contended that the defacto-complainant, Rahimuddin Mahalat, was his elder brother. He testified that the deadbody of his daughter was taken for inquest examination by the police personnel and he himself had put his signature on the inquest report. On the basis of his deposition, the said signature on the inquest report was marked as Exhibit-2/1. The witness also identified all the accused persons in open court.
- 17) When subjected to cross examination, P.W-2 failed to tell the date/s on which accused Ansari proposed marriage to his daughter. He negated the suggestions that the accused persons never harassed his daughter by way of advancing marriage proposals or that his daughter did not die by hanging herself due to the said disturbances/annoyances created by the accused persons. He also refuted the suggestion to have deposed falsely.
- 18) P.W-3, Ajijur Molla and P.W-4, Jafar Molla had both stated to have had known the deceased victim of this case. P.W-3 did not have



any knowledge about how or why she had died and expressly mentioned to have not been present at the time of her death. P.W-4 stated that the victim died by hanging six years back but could not throw any light on the reason for which she had committed suicide.

- 19) One A.S.I Subrata Saha produced as P.W-5 in this case stated that on 31/08/2019, during his tenure at Tapan P.S, he had conducted the inquest examination over the deadbody of deceased/victim Ruma Parvin Mahalat in connection with U/D case No.49/2019. He proved the said Inquest report prepared by him, which document, based on his deposition, was marked as Exhibit-3. He also claimed to have sent the said dead body for post mortem examination under cover of a dead body challan. On the basis of his evidence, said document was marked as Exhibit-4.
- 20) During his cross examination, P.W-5 admitted to have learnt from the relatives of the deceased during the inquest examination that she had committed suicide due to her family problems.
- 21) P.W-6, Mostafa Molla claimed to have been acquainted with the defacto-complainant as well as all the three accused persons. He too identified the accused persons on dock. The witness averred that about 5/6 years back, Ruma Parvin Mahalat committed suicide at her own house by hanging herself and subsequently, this witness came to hear that Ruma had committed suicide due to her filial disputes. The witness was never interrogated by the IO about the case incident.
- 22) P.W-7 Hamidur Molla also followed suit and acknowledged his acquaintance with the defacto complainant, deceased victim of this case and the accused persons. He deposed that 6/7 years back, victim Ruma Parvin committed suicide at her own house by hanging herself and subsequently, he too has heard that the said act was committed by Ruma Parvin due to her family disputes. This witness also claimed to have never been interrogated by the I.O.
- 23) Sub-inspector of Police, one Satkar Syanbo, produced as the P.W-8, stated that on 02/09/2019, when he was posted at Tapan P.S.



as Officer in Charge, the defacto complainant, Rahimuddin Mahalat approached the police station and lodged the written complaint addressed to his chair. Upon receipt of the same, S.I Sange Lama Tamang filled up the formal FIR and got it signed by this witness. The witness also contended to have made an endorsement on the written complaint regarding initiation of specific Tapan P.S.Case No.221/2019. On the basis of his evidence, formal FIR recorded in this case and the endorsement made by him on the written complaint were marked as Exhibits-5 & 1/1 respectively.

- 24) Since neither PW-6, P.W-7 or the P.W-8 had ventured to support the prosecution version of events, Ld Defence advocate also did not find it necessary to cross examine them.
- 25) Finally, the IO of this case, namely S.I Samar Kumar Ghosh, stated in his evidence in chief as the P.W 9, that on 02/09/2019, during his tenure at Tapan P.S, he was entrusted with the investigation of this case by the then Officer-in-Charge of the P.S. He stated that after taking charge of the investigation he visited the PO, prepared rough sketch map thereof along with index, examined the defacto complainant of this case along with other available witnesses, recorded their statements under sec.161 Cr.P.C, seized the mobile phone of the deceased victim of this case from her father, arrested the principal-accused namely, Mahasin Ansari, collected the Post Mortem Report of the deceased victim from Balurghat hospital, collected the inquest report from the E.O of the U/D case before finally submitting his charge sheet against all the three FIR named accused persons for offence under sec.306/34 of the Indian Penal Code.
- 26) Based on his evidence, rough sketch map of the PO along with index, carbon copy of the seizure list dt. 10/09/2019 and Post Mortem Report of the victim were marked as Exhibits 6-series, 7 and 8 respectively.
- 27) While facing cross examination, P.W-9 refuted the suggestions to have conducted the investigation of this case in a perfunctory



manner or to have submitted the charge sheet falsely against the accused persons on the basis of mere table work.

- 28) In the course of hearing argument, Ld.P.P in Charge emphasized on the contents of the FIR, in which various instances of instigations, disturbances, harassments and annoyance caused to the victim of this case, had been narrated in details. He also harped upon the fact that the acts of the accused persons had ultimately compelled the victim of this case to take her own life at a very young age.
- 29) On the other hand, Ld. Advocate for the accused persons drew attention of this court to the loopholes, omissions, lacunae, discrepancies, anomalies and contradictions in the evidence of the witnesses produced by the prosecution.
- 30) Considered the argument as advanced by Ld. Advocates for both the sides and carefully perused the materials on record including verbal testimonials and documents which were marked as Exhibits.
- 31) At the very inception, it is observed that due to the reported death of the defacto complainant Rahimuddin Mahalat, the prosecution failed to produce the said FIR-maker as a witness in this case, as a consequence of which, the contents of the written complaint could not be properly established through sufficient cogent evidence and the defence also remained deprived of cross examining the said author of the FIR.
- 32) The father of the deceased victim of this case, produced as P.W-2, also was not at all specific about the alleged overt acts of the accused, which might have compelled or forced the victim to commit suicide. He merely stated in a very cursory and generic manner that the accused person, namely, Ansari used to disturb his daughter with marriage proposals. He failed to testify about the specific incidents of harassment and mental annoyances allegedly caused by the accused to the victim, as has been narrated in details in the written complaint lodged by the elder brother of this witness.



- 33) It is pertinent to note that none of the independent witnesses produced in this case as P.W-3, P.W-4, P.W-6 and P.W-7 had supported the prosecution case. P.W.-3 & 4 unambiguously mentioned to have no knowledge about the reason of death of the victim. P.W-6 & 7 went a step further by claiming that the victim has committed suicide due to her family disputes. There was no whisper in the evidence of these witnesses, which can point out the involvement of the accused persons in the cause/reason leading to the suicide of the victim.
- 34) In the case of ***Amalendu Pal....Vs.....State of West Bengal, as reported in 2010(1) SCC 707, the Hon'ble Supreme Court*** has been pleased to hold that "It is also to be borne in mind that in cases of alleged abetment of suicide, there must be proof of direct or indirect acts of incitement to the commission of suicide. Merely on the allegation of harassment without their being any positive action proximate to the time of occurrence on the part of the accused which led or compelled the person to commit suicide, conviction in terms of Section 306 IPC is not sustainable".
- 35) In the case of ***Ude Singh and others.....Versus.....State of Haryana(Criminal Appeal No. 233 of 2010 disposed of by way of judgment dated 25/07/2019), it was further observed by the Hon'ble Apex Court*** that "In the case of suicide, mere allegation of harassment of the deceased by another person would not suffice unless there be such action on the part of the accused which compels the person to commit suicide; and such an offending action ought to be proximate to the time of occurrence".
- 36) In the case of ***Praveen Pradhan....Vs.....State of Uttaranchal, reported in 2013(1) C.Cr.L.R (S.C) 16*** it was propounded that there should be a persistent and continuous harassment inflicted by the accused upon the deceased victim and the said humiliation should be of such a nature so as to give effect of demoralisation of the deceased which would, in turn, compel the latter to indulge in committing suicide.



- 37) As expounded in ***M.Arjunan.....Vs....State [2019(3) SCC 315]***, that unless the ingredients of instigation/abatement to commit suicide are satisfied the accused cannot be convicted under sec.306 of the Indian Penal Code.
- 38) In the case of ***Mahindra Awase...Vs....State of Madhya Pradesh , reported in AIR 2025 SC 568***, it has been laid down by the Hon'ble Apex court that unless there is any overt act on the part of the accused which would leave the deceased with no other option but to commit suicide , it cannot be said that the accused has abetted the said commitment of suicide.
- 39) The same tune also echoed in the case of ***Geeta.....Vs.....State of Karnataka (AIR 2025 SC 4213)*** whereby the Hon'ble Apex court has been pleased to lay down that mere quarrels or any other manner of harassment, which had not left the victim without any other option but to commit suicide, cannot be categorised as overt acts of abetment.
- 40) In the case at hand, as already stated above, none of the overt act enunciated in the written complaint by the defacto-complainant had been duly transformed into cogent and convincing evidence through the witnesses.
- 41) The ingredients of the offence under sec.306/34 IPC has not been adequately established. As such, I am in no hesitation to conclude that the prosecution has miserably failed to prove the allegations /charge labelled against the accused persons.
- 42) Accordingly, in my opinion, for the insufficiency of proof, gross omissions and blatant loopholes in the evidence, as elaborated above, the accused persons are entitled to get benefit of doubt and deserves an acquittal in this case.
- 43) In the result, the prosecution case fails.



15

44) Hence, it is,

O R D E R E D

that all the three accused persons, namely, 1.Mohasen Ansari
2. Serajul Ansari and 3. Rasida Bibi, are found not guilty of offence
punishable u/s. 306/34 of the Indian Penal Code and accordingly, all
of them are hereby acquitted from the said charges under Sec. 235(1)
Cr.P.C.

Accused persons are set at liberty forthwith and be discharged
at once of their respective bail bonds, if any.

Seized alamats, if any, be disposed of in accordance with law
after expiry of the period of appeal, if no appeal is preferred.

Dict. & Corr. by me.

**Additional Sessions Judge
1st Court, Balurghat,
Dakshin Dinajpur.**

**Additional Sessions Judge
1st Court, Balurghat,
Dakshin Dinajpur.**