

Form No (M) 34

**FORM A**

<b>IN THE COURT OF THE CHIEF JUDICIAL MAGISTRATE, DARJEELING</b>  <b>Present : Shri Amar Chandra Das</b> <b>Chief Judicial Magistrate,</b> <b>Darjeeling</b>  <b>Date of the Judgment : 29.05.2026</b>  <b>G.R. Case No. 28 of 2025</b> <b>Reg. No. 164 of 2025</b> <b>T.R. No. 108 of 2025</b> <b>CNR: WBDJ020021712025</b>  <b>Pulbazar PS Case No. 03 of 2025 dated 13.02.2025</b> <b>u/s 85/82(1)/351(2) of BNS</b>	
Complainant	STATE OF WEST BENGAL
REPRESENTED BY	NAME OF THE ADVOCATE/APP: <b>SRI CHAMAN RAI</b>
ACCUSED	NAME WITH ALL PARTICULARS (A1): <b>1. Pujan Mangar, S/o Gopal Mangar, Upper Sirisay, PO Kolbong, PS Pulbazar, Dist. Darjeeling</b>
REPRESENTED BY	NAME OF THE ADVOCATES: Sri. Rahul Kumar Saha Sri. Sanjiv Thakur Aatif Nasim Jilaan

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**FORM B**

Date of Offence	Not mentioned
Date of FIR	13.02.2025
Date of Charge-sheet	29.04.2025
Date of Framing of Charges/ Plea	03.09.2025
Date of commencement of Evidence	01.12.2025
Date on which Judgment is reserved	29.05.2026
Date of the Judgment	29.05.2026
Date of the Sentencing Order, if any	NA

Accused details :

Rank of the Accused	Name of Accused	Date of arrest/ surrender	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.	<b>Pujan Mangar</b>	26.02.2025	26.02.2025	u/s 85/351(2) BNS	Acquitted	NA	NA

## J U D G E M E N T

On the basis of the written complaint lodged by one Netra Kumari Sunuwar the then OC Pulbazar P.S. Darjeeling started the instant case vide no. 03 of 2025 dated 13.02.2025 u/s 85/82(1)/351(2) IPC against the accused person namely Pujan Mangar. After completion of investigation, a charge-sheet was submitted by the I.O against the FIR accused person u/s 85/351(2) of BNS. Accordingly, after taking cognizance against the charge-sheeted accused person, the instant case was transferred to the personal file for disposal on 08.08.2025.

## CASE HISTORY

The factual matrix of the prosecution case in brief is that the defacto complainant lodged this case against her husband stating that after one week of marriage the accused used to assault her. The accused had threatened and intimidated her and borrowed her hard earned money. After marriage she came to know that the accused had married twice before marrying her. Thereafter she went to Bangalore for work to save herself from the accused person. Hence this case.

## CHARGE AND TRIAL

The charge-sheeted accused person namely Pujan Mangar were examined u/s 263 of BNSS and the contents of the allegations u/s 85 of BNS was read over and explained to him and he pleaded not guilty by saying “*Kasur Chaina*” and claimed for trial.

Accordingly, the prosecution was directed to produce the witnesses in order to prove the allegations.

During the course of proceedings, the prosecution could examine four witnesses out of total six charge-sheeted witnesses and cross-examined in full and adduced some document in support of the prosecution case as which has been recorded in separate sheet and tagged with the Judgment.

Not a single document has been produced on behalf of the defence.

At the conclusion of the trial, the accused person was examined u/s 351 of BNSS and his detailed answers are recorded in separate sheets and kept in the record. As the accused person declined to adduce any defence witness on his behalf, the matter was heard in argument from both sides at length.

#### **POINTS FOR DETERMINATION**

1. Whether the prosecution been able to prove the charge u/s 85 of BNS against the accused person?
2. Whether the prosecution been able to prove the guilt of the accused person beyond a reasonable doubt?

#### **EVALUATION OF THE PROSECUTION EVIDENCES**

The prosecution has been able to produce examine four witness including the de-facto complainant out of six charge-sheeted witnesses. The Ld. APP representing the prosecution case, claimed that the prosecution witness have been able to prove the case beyond the shadow of reasonable doubt and prays for conviction of the accused person facing trial.

On the other hand the Ld. Advocate for the defence side claims that the prosecution has failed to prove his case beyond the shadow of reasonable doubt and pleads for acquittal of the accused person from this case.

Both the points are taken up together for their effective determination as they are connected with each other and will assist in arriving at the just determination of this case.

Let us discuss to find out how far the prosecution has been able to prove his case against the accused person. The prosecution

has been able to examine the complainant in this case in order to prove the alleged offences charged against the accused person.

Heard argument from both sides.

Now let us discuss how far the prosecution has been able to prove the case.

**PW1 Netra Kumari** stated that she had filed this case against the accused person and identified him on the dock. She stated that she was married with the accused person and after marriage she went to her matrimonial house and started living with her husband at Lingten. After two weeks of marriage her husband told her to go to Bangalore to work. She stated that accused had taken loan of Rs. 1,65,000/- from her prior to her marriage and to save from the skin of returning back the said money he had married her. But after few days of marriage she came to know that he had several extra marital affairs with several ladies to which she raised objection for which she was subjected to mental and physical torture. The accused threatened her to kill if she did not go to Bangalore to work. Thereafter she went to Bangalore out of fear for three years. When she returned back the accused again started torturing her physically and mentally for raising objection regarding his extra marital affairs with Priya, Pooja, Doma and threatened to kill her if she took any steps against him. For the sake of her children and marriage she kept mum but she was compelled to lodged this case against her husband. She proved the written complaint which has been marked as **Ext. P-1/PW1**.

During her cross examination she stated that their marriage did not take socially but the accused only put vermin over her forehead in the presence of his grandparents. She stated that she had lodged this case due to monetary dispute. She further stated that after marriage she went to her matrimonial home and after marriage she was subjected to mental and physical torture.

**PW2 Birkha Bahadur** stated that Netra Kumari used to come with his grandson during night and used to stay as wife but he does not have personal knowledge regarding the dispute between

them. He identified the accused on dock.

His cross examination was declined.

**PW3 Janga Bahadur Mangar** stated that he knew Netra Kumar and Pujan Mangar. They are husband and wife. Pujan is his co-villager. He stated that he does not have any personal knowledge regarding the dispute. He identified the accused on dock.

His cross examination was declined.

**PW4 Sabina Mangar** stated that she knew Netra Kumar and Pujan Mangar. They are husband and wife. Pujan is her co-villager. She stated that she does not have any personal knowledge regarding the dispute. She identified the accused on dock.

Her cross examination was declined.

#### **DECISION WITH REASONS**

Therefore on scanning the materials placed before this Court in the form of oral and documentary evidence, this Court finds that the de facto complainant had made a serious allegation against the accused person in the written complaint as well as in her deposition. While going through her examination in chief this court finds that she stated "**accused had taken loan of Rs. 1,65,000/- from me prior to my marriage and to save from the skin of returning back the said money he married me.**" Her own deposition reflects that the edifice of marriage is the monetary transaction prior to marriage. Further she alleged of having several extra marital affairs with numerous ladies against her husband as well as allegation of threatening but her own admission in her cross examination totally destroyed the case presented by the prosecution as she stated "**fact that I lodged this case due to monetary dispute.**" If that be the position of the deposition / evidence of PW1/ defacto complainant / victim of this case then what left more to decide the fate of the case as the remaining witnesses PW2 to PW4 did not utter a single word against the accused rather they stated that they do not have any personal knowledge regarding their dispute. Therefore prosecution miserably failed to bring the necessary ingredients to constitute the offence of mental and physical cruelty upon the defacto complainant

by the accused. No corroboration, no medical paper, nothing has been brought on record trustworthy, reliable and credible to believe the story placed by the prosecution.

This case clearly lacks of sufficient evidence to prove the guilt of the accused person beyond reasonable doubt for his conviction.

In view of the aforesaid evidence I hold that the prosecution has been unable to make out any case against the accused person.

As a result the aforesaid points are decided against the prosecution.

Hence, it is,

**ORDERED**

that the accused person namely Pujan Mangar is acquitted, under section 271(1) of the BNSS from the charge u/s 85 of BNS.

Seized alat if any be returned to its actual owner after the appellate period is over.

The bail bond which was filed on behalf of the accused person stands extended for a period of six months from today.

Such bail bond shall be governed by the provisions of section 481 BNSS.

Be it mentioned that in this case the defacto complainant, being the PW1 has a right to prefer an appeal under the proviso to section 413 BNSS and, if necessary, to avail free legal assistance through the Legal Services Authorities concerned to prefer and prosecute such appeal.

Copies of this Judgment be forwarded to the District Magistrate, Darjeeling, and the Learned Secretary, D.L.S.A., Darjeeling, for due intimation to the victim about such right.

Note in relevant register and CIS.

Dictated and corrected by me:

(Amar Chandra Das)  
Chief Judicial Magistrate,  
Darjeeling.

(Amar Chandra Das)  
Chief Judicial Magistrate,  
Darjeeling.  
UID No.WB01231

## APPENDIX

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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)
PW1	Netra Kumari	Defacto complainant
PW2	Birkha Bahadur	witness
PW3	Janga Bahadur Mangar	(witness)
PW4	Sabina Mangar	(witness)

## LIST OF PROSECUTION / DEFENCE / COURT WITNESSES

## B. Defence Witnesses, if any :

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
DW1		
DW2		

## C. Court Witnesses, if any :

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
CW1		
CW2		

## LIST OF PROSECUTION / DEFENCE / COURT EXHIBITS

## A. Prosecution :

Sr. No.		Description
1	Exhibit-P-1/PW1	written complaint

## B. Defence :

Sr. No.		Description
1	Exhibit D-1/DW1	
2	Exhibit D-2/DW2	

C. Court Exhibits :

Sr. No.		Description
1	Exhibit C-1/CW1	
2	Exhibit C-2/CW2	

D. Material Objects :

Sr. No.	Material Object Number	Description
1	MO 1	

**(AMAR CHANDRA DAS)**  
Chief Judicial Magistrate,  
Darjeeling  
JO Code WB01231