

Form No (M) 34

FORM A

IN THE COURT OF THE CHIEF JUDICIAL MAGISTRATE, DARJEELING Present : Shri Amar Chandra Das Chief Judicial Magistrate, Darjeeling Date of the Judgment : 16.03.2026 G.R. Case No. 351 of 2019 Reg. No. 208 of 2025 T.R. No. 136 of 2025 CNR: WBDJ020022272025 Jorebunglow PS Case No. 80 of 2019 dated 16.09.2019 u/s 498A of the Indian Penal Code r/w Sec. 4 of Dowry Prohibition Act	
Complainant	STATE OF WEST BENGAL
REPRESENTED BY	NAME OF THE ADVOCATE/APP: SHRI PANKAJ PRASAD
ACCUSED	NAME WITH ALL PARTICULARS (A1): 1. Subodh Thakur, S/o Lt. Ramkishan Thakur, 2. Manilal Thakur, S/o Lt. Nageswar Thakur, 3. Mina Thakur, W/o Manilal Thakur, 4. Sanjay Thakur, S/o Lt. Ramkishan Thakur, All of Batasia, Gandhi Road, PS Jorebunglow, Dist. Darjeeling 5. Laxmi Thakur, S/o Lt. Rambridge Thakur, R/o Banarhat Baraline, PS Banarhat, Dist. Alipurduar 6. Jaganarayan Thakur, S/o Lt. Rambridge Thakur, R/o Beraitiguri, PS Dhupguri, Dist. Jalpaiguri, 7. Deven Thakur, S/o Lt. Jaddu Thakur, R/o Shiv Mandir, PS Bagdogra, Dist. Darjeeling
REPRESENTED BY	NAME OF THE ADVOCATES: Sri. Sanjiv Thakur

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FORM B

Date of Offence	since 2013 after marriage.
Date of FIR	16.09.2019
Date of Charge-sheet	30.12.2019
Date of Framing of Charges/ Plea	13.03.2026
Date of commencement of Evidence	13.03.2026
Date on which Judgment is reserved	16.03.2026
Date of the Judgment	16.03.2026
Date of the Sentencing Order, if any	N.A.

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.	Subodh Thakur,	17.09.2019	17.09.2019	u/s 498A IPC r/w Sec. 4 of Dowry Prohibition Act	Acquitte d	NA	NA
2.	Manilal Thakur,	22.10.2019	22.10.2019				
3	Mina Thakur,	22.10.2019	22.10.2019				
4	Sanjay Thakur,	22.10.2019	22.10.2019				
5	Laxmi Thakur,	26.02.2020	26.02.2020				
6	Jaganarayan Thakur	05.02.2020	05.02.2020				
7	Deven Thakur	05.02.2020	05.02.2020				

J U D G E M E N T

On the basis of the written complaint lodged by one Punam Thakur the then O/C Jorebunglow P.S. Darjeeling started the instant case vide no. 80 of 2019 dated 16.09.2019 u/s 498A IPC r/w Sec. 4 of Dowry Prohibition Act against the accused persons namely Subodh Thakur, Manilal Thakur, Mina Thakur, Sanjay Thakur, Laxmi Thakur, Jaganarayan Thakur and Deven Thakur. After completion of investigation, a charge-sheet was submitted by the I.O against the FIR accused persons u/s 498A IPC. Accordingly, after taking cognizance against the charge-sheeted accused persons,

the instant case was transferred to the personal file for disposal on 24.09.2025.

CASE HISTORY

The factual matrix of the prosecution case in brief is that the defacto complainant was married with accused Subodh Thakur in the year 2013 but after marriage her husband and inlaws started both mental and physical torture upon her on demand of dowry. On 16.09.2019 her husband tortured her and drove away from her matrimonial home. Hence this case.

CHARGE AND TRIAL

The charge-sheeted accused persons namely Subodh Thakur, Mina Thakur, Sanjay Thakur, Laxmi Thakur and Jagannarayan Thakur were examined u/s 240 of Cr.P.C. and the contents of the allegations u/s 498A of the IPC was read over and explained to them and they 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.

Two accused persons namely Manilal Thakur and Deven had expired during the course of trial and have been filed forever.

During the course of proceedings, the prosecution could examine the one witness out of total five charge-sheeted witnesses and cross-examined in full :-

PW1 Punam Thakur (Defacto complainant)

The prosecution adduced document in support of the prosecution case as:

Ext.P-1/PW1 Signature on the FIR

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

At the conclusion of the trial, the accused persons were examined u/s 313 Cr.P.C. and their detailed answers are recorded in separate sheets and kept in the record. As the accused persons declined to adduce any defence witness on their behalf, the matter was heard in argument from both sides at length.

POINTS FOR DETERMINATION

1. Whether the prosecution been able to prove the charges u/s 498A of the IPC against the accused persons ?
2. Whether the prosecution been able to prove the guilt of the accused persons beyond a reasonable doubt?

EVALUATION OF THE PROSECUTION EVIDENCES

The prosecution has been able to produce examine one witness the defacto-complainant out of 05 charge-sheeted witnesses.

The Ld. APP representing the prosecution case, claimed that the prosecution witnesses have been able to prove the case beyond the shadow of reasonable doubt and prays for conviction of the accused persons 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 persons 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 persons. The prosecution has been able to examine the complainant in this case in order to prove the alleged offences charged against the accused persons.

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

PW1 Punam Thakur stated that she was married to Subodh Thakur in the year 2013 as per Hindu Rites and Customs. She has been blessed with two children. There was some matrimonial dispute cropped up with the accused persons due to some trivial issue for which she had lodged this case against them. She proved her signature on the FIR which has been marked as **Ext P-1/PW1**.

In her cross examination she stated that she had lodged this case due to misunderstanding and she do not have any objection if the accused persons are acquitted from this case.

Therefore on scanning the materials placed before this Court in the form of oral and documentary evidence, this Court finds that although the de facto complainant had made a serious allegation against the accused persons in the written complaint but the defacto complainant retracted herself from uttering a single word against the accused person in her deposition, she withhold herself reasons best known to her. There is clear vast deviation from her version made in FIR and deposition made before the court which created a strong suspicion over the mind of the court regarding the actual happening of the alleged incident. Furthermore PW1 has stated in her cross examination that she had lodged this case against the accused persons due to some misunderstanding and do not have any objection if the accused persons are acquitted from this case.

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

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

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

C O N C L U S I O N

After considering the entire material facts and circumstances of the case and after careful scrutiny of the evidence on record, I find that the prosecution has failed to establish the ingredients of the alleged offences charged u/s 498A of the IPC against the accused persons.

In the result, the prosecution case fails.

Hence it is,

O R D E R E D

that the accused persons namely Subodh Thakur, Mina Thakur, Sanjay Thakur, Laxmi Thakur and Jaganarayan Thakur are found not guilty to the alleged offences u/s 498A IPC and as such the accused persons are acquitted from this case u/s 248(1) CrPC.

Seized articles if any be disposed of as per law after the

appeal period is over.

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

Such bail bond shall be governed by the provisions of section 437A of the Cr.P.C.

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 372 of the Code of Criminal Procedure 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 TR and upload the judgement in the CIS at once.

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	Punam Thakur	(Defacto complainant)

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	Ext. P-1/PW1	Signature of PW 1 on the FIR

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	MAT Ext.	

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