

S.C. 451 of 2022
S.T 07(05)2022
GR-1250/2019
CNR-WBEM-0100-5652-2022

Order No. 24 dt. 06/03/2026

Today is fixed for delivery of judgement.

Ld. PP in charge is present by filing hajira.

Two accused persons on bail are present by filing hajira.

Record is taken up for judgement.

The instant case arose out of a complaint filed by the complainant Chandana Mondal with OC, Panskura PS on 27/06/2019 under section 154 of the Code of Criminal Procedure, 1973 (Hereinafter referred to as 'Cr.PC.'). The substance of the written complaint in epitome is that on 20/06/2019 at about 2 pm, daughter of complainant Tiya Mondal went out of house. When she did not return, they searched for her here and there but she was not found. Later, she came to know that accused Sudip Biswas induced her daughter and abducted her, being assisted by other accused, for unlawful purpose. In view of the incident, complainant lodged the complaint seeking legal action against the accused persons. On the basis of said complaint, Panskura P.S. Case No.306 of 2019 dated 27/06/2019 under sections 363/366/34 of Indian Penal Code, 1860 (In short, 'IPC') was started against the FIR named accused persons. Investigation began and after completion of investigation, charge sheet being No.368 of 2019 dated 31/07/2019 was filed against the FIR named accused persons under sections 363/366/34 of IPC. Cognizance was taken by Learned Chief Judicial Magistrate, Tamluk, Purba Medinipur

under section 190(1(b) of Cr. PC. As the offence punishable under section 366 of IPC is exclusively triable by Court of Session, the case was committed to Learned Sessions Judge, Tamluk, Purba Medinipur by Learned Chief Judicial Magistrate, Tamluk, Purba Medinipur under section 209 of Cr. PC. Cognizance was again taken by Learned Sessions Judge, Tamluk, Purba Medinipur under section 193 of Cr.PC. Thereafter, case was transferred to this Court for trial and disposal by Learned Sessions Judge, Tamluk, Purba Medinipur under section 194 of Cr. PC. Charges were framed against the accused persons under sections 363/366/34 of IPC. Charges so framed were read over and explained to accused persons to which they individually pleaded their innocence and as such trial began. During trial as many as six witnesses were examined from the side of prosecution to prove the charges who are complainant (PW-1), daughter of complainant (PW-2), Kamal Mondal (PW-3), Tarun Maji (PW-4), Moyna Manna (PW-5) and IO (PW-6). After closure of evidence from the side of prosecution, no incriminating materials were found in the evidence of the prosecution which could be put to the accused persons. Argument was heard. Now judgement is to follow.

What appears upon analysis of evidence is that case arose out of a complaint filed by PW-1 as regards abduction of her daughter by accused persons for immoral purposes. But in her evidence, she did not speak anything of what she stated in her complaint. She simply stated that her daughter eloped with accused person. Her version indicates that her daughter was not induced by accused persons. She further stated that her

daughter is residing peacefully with accused person which further fortifies the above observation of Court. PW-2 is her daughter who stated in her evidence that she went to her 'Masi's' house. She did not say that accused induced her or took her with him to any place. Her statement before learned Magistrate has not been exhibited in the Court but even if said statement was admitted, same would not have been of much help to the prosecution, since she did not repeat the facts mentioned in her statement under section 164 of Cr. PC. Therefore, her statement under section 164 of Cr. PC is not of any help to prosecution. She did not make any allegation against the accused person rather her version signifies that she went to house of her 'Masi', which contradicts version of her mother. PW-3 stated that PW-2 fled with accused but she did not tell that accused took her away. More over, PW-2 did not say that she fled away with accused person; therefore, her version can not be banked upon to reach any conclusion as regards allegation of prosecution. PW-4 could not say anything about the incident. PW-5 also could not throw any light on the incident. PW-6 investigated into the complaint but his evidence can not be relied upon to reach any conclusion as regards commission of offence in absence of any independent corroboration of facts constituting abduction of PW-2 by accused persons. Therefore, when the evidence is considered in its entirety, it does not establish the guilt of the accused persons beyond doubt much less reasonable doubt. Accordingly, as the prosecution has failed to discharge its burden of proof, the accused persons deserve to be acquitted and released from the charges brought against them.

Hence, it is ordered that accused persons namely **Sudip Biswas** and **Mallika Mondal** are found not guilty for the offences punishable under sections 363/366/34 of IPC. They are acquitted from this case as per provision of section 232 of Cr.PC. They are set at liberty. They are also discharged from their respective bail bonds and consequently, their bail bonds stand cancelled.

Let a copy of this judgement be forwarded to District Magistrate, Tamluk under section 365 of Cr.PC corresponding to section 406 of Bharatiya Nagarik Suraksha Sanhita, 2023 for information.

Note in the register about the fate of this case.

Dic. & corr. by me

(Shib Shankar Ghosh)
Additional Sessions Judge, FTC-I
Tamluk, Purba Medinipur.
J.O CODE – WB00872.

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