

## Form A

IN THE COURT OF THE ADDITIONAL CHIEF JUDICIAL MAGISTRATE, HALDIA, PURBA MEDINIPUR	
<b>Present</b> :Md. Zafar Parwej Addl. Chief Judicial Magistrate, Haldia, Purba Medinipur.	
<b>Date of Pronouncement of Judgment 24.03.2026.</b>	
<b><u>G.R.402/2018</u></b> <b><u>(C.I.S. No.-1216/2018)</u></b> <b><u>T.R. No. 294/2018</u></b> <b><u>(J.O. Code-WB-01212)</u></b>	
(Details of FIR/Crime and Police Station)	
Complainant	STATE OF WEST BENGAL  OR  NAME OF THE COMPLAINANT
REPRESENTED BY	ASSISTANT PUBLIC PROSECUTOR
ACCUSED	Amit Pramanik.
REPRESENTED BY	Gopal Chandra Das, Ld. Advocate of accused.

## FORM B

Date of Offence	25.03.2018
Date of FIR	27.03.2018
Date of Charge-sheet	30.04.2018
Date of Framing of Charges	05.03.2022
Date of Commencement of Evidence	16.11.2022
Date on which Judgment is reserved	N.A.
Date of the Judgment	24.03.2026
Date of the sentencing Order, if any	N.A.

### Accused details:

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.
Amit Pramanik.	No	19.06.18	u/s.363 IPC	Acquitted	N.A.	N.A.

**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)
PW 1	Udaychand Chowdhury	Complainant
PW 2	Sima Chowdhury	Wife of the complainant- witness
PW 3	Shreelekha Chowdhury	Victim- witness

**B. Defence Witnesses, if any:**

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
None	None	-

**C. Court Witnesses, if any:**

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
None	None	-

**LIST OF PROSECUTION / DEFENCE / COURT EXHIBITS**

**A. Prosecution:**

Sr. No.	Exhibit Number	Description
1	Exhibit 1	Written complaint,
2	Exhibit 1/1	Signature on the written complaint
3.	Exhibit 2	The seizure list.
4.	Exhibit 3	Signature on the seizure list.

**B. Defence:**

Sr. No.	Exhibit Number	Description
1	None	None

**C. Court Exhibits:**

Sr. No.	Exhibit Number	Description
1	None	None

**D. Material Objects:**

Sr. No.	Exhibit Number	Description
1	None	None

## J U D G M E N T

### Facts in Brief:

1. The genesis of the present case lies in the written complaint filed by Uday Chand Chowdhury (hereinafter referred to as the complainant), in Haldia. The material of fact, as delineated in the complaint that on 25.03.2018 at 11:00 p.m. his minor daughter went to respond nature's call in toilet which was outside of their house. After a long time she did not return to home then her father became worried. After searching all near probable places they came to know that one Amit Pramanik eloped his daughter.
2. Subsequently, the complainant filed the present complaint in Haldia P.S., which led to the registration of Haldia P.S. Case No. 32/18, dated 27.03.18. Upon completion of the investigation, charge sheet bearing No.35/18, dated 30.04.18 was submitted against the accused persons under Sections 363 of IPC.

### Cognizance of Offence:

3. After receiving the final report by this Court, subsequently, cognizance of the offence was taken vide order dt. 19.06.18. The copy of complaint and the germane documents proposed to be relied on by prosecution, were served upon the accused.

### Charge Framed

4. At the commencement of the trial, charge was framed against the accused persons under Sections 363 of IPC. The content of the charge was read over and explained to the accused, to which he pleaded not guilty in Bengali that "Ami Nirdosh" and claimed to be tried.

### Evidence of Prosecution

5. To arrive at just and proper adjudication of the present case, it is necessary to examine the evidence on record thoroughly and objectively.

**Udaychand Chowdhury, has been testified as PW1.** He deposed that on the date of incident his daughter Shreelekha Chowdhury got missing from his house. They searched in probable places, getting no trace of her they informed in the Local P.S. Subsequently after two days she was recovered by police. They had filed this case against this accused persons on suspicion.

In cross-examination the P.W.1 deposed that he did not remember the contents of the written complaint. He did not know wherefrom she was recovered. He has admitted that he had filed this case against the accused person merely on suspicion. He deposed that his daughter now residing with them. He denied that no such incident took place on the date and time.

**PW2, Sima Chowdhuri, husband of the complainant** as witness deposed that the incident took place in the year 2018. Her daughter namely, Shreelekha Chowdhury

got missing from their house. They searched at probable places, getting no trace of her they informed in the Local P.S. Subsequently after two days she was recovered by police. They had filed this case against this accused persons on suspicion. They search in the probable places, after not getting any trace of her they lodged a complaint against this accused persons in local PS. Subsequently, they recovered her from their relative's house.

In cross-examination the P.W.2 deposed that she has no allegation against the accused person and have no objection if the accused person is acquitted from this case. He denied that no such incident took place on the date and time.

**PW3, Shreelekha Chowdhury, V.G. of this case** as witness stated that the incident took place in the year 2018. She went to her relative's house without informing her parents. They had scolded her in connection with her studies, so she went there without informing them anything. On the next day police recovered her and produced her before the magistrate for recording her statement under section 164 Cr.P.C.

In cross-examination the P.W.3 has deposed that she does not remember what she had stated in the u/s 164 Cr.P.C. She also deposed that she has no allegation against the accused person and have no objection if the accused persons are acquitted from this case. She denied that no such incident took place on the date and time.

Summons were issued to the I.O. along with the rest witnesses on repeated occasions but they did not turn up to depose in this case.

After examination of the above mentioned witnesses Ld. Advocate for the accused persons filed a petition with a prayer for closing evidence on the ground that no incriminating materials came on record against the accused persons even after examining the vital prosecution witnesses.

Ld. P.P. also submitted for closing evidence nothing substantial came on record after examining the vital witnesses of this case.

**Hon'ble Supreme Court of India** several times contemplated in different judgments like **Meneka Gandhi Vs. Union of India and Hussainara Khatun Vs. State of Bihar** that speedy trial is a fundamental right of the accused persons. After hearing the Ld. PP, considering the facts and circumstances, right of speedy trial of the accused persons and to avoid wastage of judicial hour by simply parading the rest of the charge sheeted witnesses, the prayer of closing evidence was allowed for ends of justice and accordingly evidence was closed.

**Evidence in Defense**

6. Upon closure of the prosecution's evidence, the accused person was examined under section 313 Cr.P.C. He pleaded innocence and on being asked they declined to adduce any evidence in their defense. Arguments were heard at length from the learned Counsel appearing for the prosecution as well as learned Counsel appearing for the defense.

**Point for Determination**

7. The question that now falls for determination is whether the accused person is liable to be convicted for the offence punishable under Sections 363 of IPC.

**Arguments advanced by Learned Counsel for the Prosecution**

8. Heard the arguments advanced by learned Assistant Public Prosecutor (Ld. APP). He submitted that the prosecution has adduced sufficient and cogent evidence to establish the charge against the accused.

**Arguments Assailed by Learned Counsel for the Defense**

9. On the other hand, the Learned Counsel appearing on behalf of the accused submitted that the prosecution's case is riddled with inconsistencies and lacks credibility. He argued that the prosecution has failed to prove the allegations against the accused by any substantive or corroborative evidence. It was contended that the accused is completely innocent and has been falsely implicated in this case. The defense further submitted that the complaint has been lodged maliciously, with the sole intention of harassing the accused. Hence, Learned Counsel prayed that the accused be acquitted of the charge.

**Analysis of Evidence and Decision with reason.**

10. The complainant has filed this case with allegation that on on 25.03.218 at 11:00 p.m. his minor daughter went to respond nature's call in toilet which was outside of their house. After a long time she did not return to home then her father became worried. After searching all near probable places they came to know that one Amit Pramanik eloped his daughter.

To establish the allegations, the prosecution examined three witnesses. The prosecution case becomes strong with the proper oral evidence supported by the documentary evidence but here, the corroboration of the incident with the version of the complainant has not come before the Court. Whatever he has described in her written complaint has not been corroborated by any substantive evidence. On the contrary, the complainant and the victim herself

deposed that they have no allegations against the accused person, and have no objection if the accused person is acquitted from this case.

On careful consideration of the materials on record as well as the evidence adduced by the witnesses, this Court finds that the prosecution fails to establish the allegations against the accused persons. When the primary allegation is not proved the question of common intention does not arise at all.

The burden of proof that they are guilty, is on the prosecution and that the prosecution has to establish its case beyond all reasonable doubts. In other words, the innocence of an accused can be dispelled by the prosecution only on establishing his guilt beyond all reasonable doubts on the basis of evidence. The accused persons cannot be held guilty.

Hence; it is,

**ORDERED**

that the accused person namely, Amit Pramanik is found 'not guilty' of the offence punishable under sections 363 of IPC and he is acquitted from the said allegations under section 248(1) of the IPC.

11. The accused person is discharged from his respective bail bond and he is set at liberty forthwith.

12. Let a copy of the findings be intimated to the District Magistrate, Purba Medinipur and the Secretary, DLSA, Purba Medinipur since the accused person is acquitted from the allegations and the right to appeal against acquittal remains with the victim.

13. Note in the Trial Register and CIS.

14. Seized article if any be returned to the rightful claimant after expire of the appeal period in accordance with law.

Dictated and corrected by me.

Sd/-

A.C.J.M.,Haldia, Purba Medinipur

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**Later at 3:00 p.m.**

Ld. Advocate on behalf of the accused and Ld. P.P. are present.

Heard both sides.

Judgment is ready 6 sheets.

Pronounce in open Court by reading out the operative portion of the judgment.

Hence, it is

**ORDERED**

that the accused person namely, Amit Pramanik is found not guilty of the offences under section 363 of IPC and is hereby acquitted under Section 248 (1) of the Cr.P.C.

Seized articles if any, be disbursed to the lawful claimant after proper verification.

Accused persons be set at liberty forthwith. Bail bond is discharged.

Seized article if any be returned to the rightful claimant after expire of the appeal period in accordance with law.

Let a copy of the findings be intimated to the District Magistrate, Purba Medinipur and the Secretary, DLSA, Purba Medinipur since the accused person is acquitted from the charges and the right to appeal against acquittal remains with the victim.

Note in the Trial Register.

Dictated and corrected by me.

Sd/-

A.C.J.M.,Haldia, Purba Medinipur

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