

FORM - A [FORM NO. M- (34)]


In the Court of Additional Sessions Judge, 1st Court, Contai, Purba Medinipur

Present: **Sri. Ajayendra Nath Bhattacharya**
Additional Sessions Judge, 1st Court,
Contai, Purba Medinipur.
JO Code: WB-00819

Date of delivery of Judgment: **Friday, the 10th day of April, 2026**

Sessions Trial No: 145 of 2024
Sessions Case No: 582 of 2023
CNR No: WBEM09-002440-2023

Having reference to: *GR(E) Case No. 599 of 2022 of 2023 of the file of Ld. Additional Chief Judicial Magistrate, Contai and corresponding to Patashpur PS Case No. 325 of 2022 dated 05-06-2022 u/Ss. 376/417/325/506 Indian Penal Code, 1860.*

COMPLAINANT	State of West Bengal
REPRESENTED BY	Shri. Raj Kumar Giri, Ld.PP-in-charge
ACCUSED(S)	SHRI. CHANDAN KUMAR PANDA, S/o Shri. Dibakar Panda, of Tarat, PS: Patashpur, District: Purba Medinipur
REPRESENTED BY	Shri. Tapan Kumar Bera, Ld. Advocate
QR CODE	

JUDGMENT

A) INTRODUCTION:

The accused person named above has been called upon in this trial to answer to a charge u/Ss. 376/417/323/506 of the Indian Penal Code, 1860 [*hereinafter referred to as the IPC*].

B) CASE OF THE PROSECUTION:

The prosecution case finds its genesis in a written information lodged by one JM (name masked) [*hereinafter referred to as the informant*] with the police on 05-06-2022, wherein it was alleged that for a period of two years prior to the lodging of the written information, the informant had developed a love relationship with the accused person named above and the accused person named above had established physical relationship with her on numerous occasions by giving her promise to marry in future. But whenever the informant asked the accused person named above regarding marriage, the accused person named above used to buy time on some pretext or the other. Over the issue, some differences and disputes had cropped up between the parties. On 05-06-2022 at 12:00 hours, the accused person named above had called upon the informant and asked her to meet him. When the informant refused to comply with such direction, the accused person named above abused her in filthy languages for which the informant was compelled to go and meet the accused person named above. At this the accused person named above forcibly pulled the informant to a jungle near his house and disrobed her and attempted to establish physical relationship with her. When the informant objected to the same, the accused person named above strangulated her with his hands with the intention to cause her death. The informant somehow rescued herself from the hands of the accused person named above and fled away from the spot. Accordingly the informant lodged the written information seeking necessary legal action.

C) THE PROBE:

On the basis of the said written information of the informant and on being satisfied that the same disclosed the occurrence of a cognizable offence, the police authority had registered a case being Patashpur PS Case No. 325 of 2022 dated 05-06-2022 against the accused person named above alleging the commission of an offence punishable u/Ss. 376/417/325/506 IPC and started investigation. The charge of investigation of this case was entrusted upon SI Shri. Tausif Akbar and on completion of investigation he submitted a report in this case in form of a charge-sheet being Patashpur PS Chare-Sheet No. 442 of 2022 dated 30-08-2022 alleging that the investigation of the case has revealed the commission of an offence punishable u/Ss. 376/417/323/506 IPC being prima facie made out against the accused person named above.

D) **ANCILLARY MATTERS:**

The case record goes to show that the charge-sheet noted above was received by the Court of Ld. Additional Chief Judicial Magistrate, Contai on 01-10-2022 and the said Ld. Court took cognizance of the offence as mentioned in the said charge-sheet on the same day. The record further reveals that the copies of the documents collected during investigation were supplied to the accused person named above on 31-03-2023. It is also found that thereafter the Ld. Additional Chief Judicial Magistrate, Contai had committed the case to this Court on the same day. On perusal of the case record, this Court took cognizance of the offence in terms of S. 193 Code of Criminal Procedure, 1973 [*hereinafter referred to as the CrPC*] on 22-09-2023.

E) **THE CHARGE:**

i. On consideration of the materials on the case record as well as the case diary, this Court found that there are sufficient materials to frame charge against the accused person named above for commission of an offence punishable u/Ss. 376/417/323/506 IPC. Accordingly, the charge was framed against him on 18-04-2024. The contents of the charge were read over and explained to the

accused person named above to which he pleaded not guilty and claimed to be tried.

ii. Hence, this trial.

F) **THE CASE OF THE ACCUSED PERSON:**

The case of the accused person named above, as is reflected from the cross examination of the prosecution witnesses, the examination of the accused person named above u/S. 313 CrPC and the submissions made by the Ld. Counsel for the accused person named above, is of mere denial, innocence and false implication. It is the specific case of the accused person named above that he had a love affair with the victim and there was consensual physical relationship between him and the victim.

G) **EVIDENCE:**

i. In order to bring home the charge against the accused person named above, the prosecution has examined the witnesses and produced the documents as noted in Form – C as appended to this judgment. No articles were produced in evidence on behalf of the prosecution.

ii. On the other hand, the accused person named above did not adduce any oral or documentary evidence in support of his case.

H) **ARGUMENT ON BEHALF OF THE PROSECUTION:**

Commencing the argument for the State of West Bengal, Shri. Raj Kumar Giri, the Ld. PP-in-charge, submitted that in the present case, the prosecution has been successful to bring home the charge against the accused person named above beyond all shadows of reasonable doubts and accordingly the accused person named above may be adequately punished for the offence committed by him. The Ld. PP-in-charge submitted that the case of the prosecution has been clearly established from the testimonies of the informant as well as the documentary evidences brought on record and on perusal of the said materials, it had been established beyond all shadows of reasonable doubts that the accused person named above had committed rape on the informant by giving her

promise to marry her in future. On the above score, the Ld. PP-in-charge prays for necessary order.

I) **ARGUMENT OF THE ACCUSED PERSON:**

On the other hand, Shri. Tapan Kumar Bera. the Ld. Counsel for the accused person named above submitted that in the present case, the prosecution has miserably failed to bring home the charge leveled against the accused person named above and accordingly the accused person named above is liable to be acquitted from this case. The Ld. Counsel for the accused person named above submitted that the materials on record clearly goes to show that there was a love relationship between the accused persons named above and the informant and the physical relationship that was established between the informant and the accused person named above was out of consent of both the sides and the accused person named above has also married the victim and as such there does not arise any question of giving false promise of marriage. On the above score, the Ld. Counsel for the accused person named above prays for passing necessary order.

J) **REPLY OF THE PROSECUTION:**

In reply, the Ld. PP-in-charge submitted that the accused person named above had only agreed to marry the informant and she had lodged the written information with the police which clearly indicates that the accused person named above possessed a deceitful mind from the very inception of the emotional relationship between the parties.

K) **POINTS FOR CONSIDERATION:**

The sole point for consideration before this Court is whether the prosecution has been successful in this case to bring home the charge against the accused person named above beyond all shadows of reasonable doubts by adducing cogent and trustworthy evidence?

L) **DECISION WITH REASONS:**

i. In the present case, it is the allegation of the prosecution that the accused person named above had subjected the informant to rape by giving her false promise of marriage in future.

ii. At the very outset, it must be noted that it is a settled principle of criminal jurisprudence that in any criminal trial, the accused person is presumed to be innocent unless proved guilty by the prosecution by adducing cogent, reliable and trustworthy evidence and establishing the charge against the accused person beyond all shadows of reasonable doubt. In any criminal trial, the prosecution is saddled with the inescapable burden of portraying its case in such a manner so that there remains no crevice which will permit the ingress of any doubt in the mind of the Court regarding the credibility of the prosecution case and if there is any lacuna in the depiction of the prosecution case which paves way for entry of doubt in the mind of the Court regarding the veracity of the prosecution case, the accused person is to be awarded the benefit of such a doubt. In conducting a criminal trial, the above noted principles of criminal jurisprudence and the objective of a criminal trial, must be taken into consideration by the Court at the time of venturing into the delicate task of analyzing and scrutinizing the evidence on record in order to portray the picture of the truth in the case by sketching out the same in accordance to the dictum of the evidence that has come on record and the law of the land. For justice to be done truth must prevail; it is truth that must protect the innocent and it is truth that must be the basis to punish the guilty. Thus the search of truth is the most pious but arduous task entrusted to the Courts and this search of truth primarily rests on the evidence adduced by the parties and the other materials proved on record during trial of a case and its dispassionate judicial scrutiny and objective approach of the Court. A criminal trial is meant for doing justice to all, the victim, the accused and the society. The Court does not discharge the function to ensure that no innocent man is punished but also to ensure that a guilty man does not escape and both are public duties of court.

iii. Keeping in mind, the above noted well-settled principles relating to the trial of criminal cases, this Court would like to take the

endeavour to plunge into the depths of the labyrinth of the facts and circumstances that has come on record in this case, so as to ascertain and divulged as to whether the charge against the accused persons has been found to have been established beyond all shadows of reasonable doubts or not. In its such endeavour, this Court like to deal upon various aspects of this case one after the another.

THE TESTIMONY OF THE INFORMANT:

iv. Now, it is almost a settled position of law that in a case of offence of sexual violation, the sole testimony of the victim can form the basis of an order of conviction, if the same is found to be reliable and trustworthy one. In the case of **Sudhansu Sekhar Sahoo Vs. State of Orissa** as reported in ***AIR 2003 SC 2136***, the Hon'ble Apex Court has held that if testimony of the prosecutrix inspires the confidence in the mind of the Court, it can be made sole basis for convicting the accused person. Similar view has been taken by the Hon'ble Calcutta High Court in the case of **Sunil Roy Vs State of West Bengal** as reported in ***(2018) 3 CCrLR (Cal) 89***, wherein the Hon'ble Court has observed that an offence of rape or attempt is not committed in presence or sight of others. So, the victim is the best witness and her version is the most important in any such cases and it is now settled principle of law that in a case of sexual assault, the testimony of the victim is always of prime importance and the accused person can be convicted on the sole testimony of the victim. The Hon'ble Court further observed that it is also settled law that if the victim is considered to be a dependable witness, then searching for corroboration is not required at all. In another case of **Bapan @ Sandip Chakroborty v. State of West Bengal** as reported in ***(2018) 3 CCrLR (Cal) 489***, it was observed by the Hon'ble Calcutta High Court that it is trite law that conviction in a case of rape can be solely founded on the version of the victim herself particularly when her version does not suffer from any patent improbability or inconsistency. In yet another case of **Bimal Pradhan Vs State of West Bengal** as reported in ***(2020) 1 CCrLR (Cal) 91***, the Hon'ble Calcutta High Court has taken the view that a

victim of sexual offence should not be viewed with doubt, disbelief and suspicion.

v. The informant of this case has been examined by the prosecution as the PW-01 and she has deposed that she had a love affair with the accused person named above since 2020 and the accused person named above had established physical relationship with her on several occasions and lastly on 05-06-2022 but thereafter the accused person named above refused to marry her and so she lodged the written information. However, in her cross examination, she admitted that her marriage has been solemnized with the accused person named above.

vi. On a perusal of the testimony of the victim, it is apparently clear that there was a love relationship between the accused person named above and the informant and the physical relationship that was established between them was out of the said love relationship and as the accused person named above has married the informant as such it cannot be said that the accused person named above had given any false promise of marriage to informant to deceit her and establish physical relationship with her.

THE STATEMENTS OF INDEPENDENT WITNESSES:

vii. It is found from the prosecution had examined PW-02, PW-03 and PW-04 as independent witnesses to the alleged occurrence but none of these witnesses could throw any light on the case of the prosecution.

THE STATEMENTS OF RELATED WITNESS:

viii. The prosecution had examined the cousin brother of the informant in this case as the PW-05. He had deposed that on the date of the incident, the accused person named above and the informant was found at a jungle near the village pond by the villagers and the villagers demanded that they both should be given in marriage but as the accused person named above and the informant refused to marry each other, the written information was filed. In his cross examination, he admitted that the accused person named above is now married to the informant.

SUMMING UP:

ix. So, it is found from the materials on record that the allegations against the accused person named above, as made in the written information, are not substantiated by the evidence on record as it is evident that the accused person named above had been falsely implicated in this case. Even if the testimony of the informant is believed to be true, then also it is to be noted that it is a settled position of law that sexual intercourse under promise of marriage in a long standing love relationship would not amount to the offence of rape. Reliance may be placed in this regard on the decision of the Hon'ble Calcutta High Court in the case of **Biswanath Murmu v. State of West Bengal** as reported in **2025 (1) AICLR 582 (Cal)**. In the case of ***Prasant v. State of NCT of Delhi*** as reported in **2025 (2) AICLR 107 (SC)**, the Hon'ble Apex Court has also observed that mere breakup of relationship between consenting couple cannot result in initiation of criminal proceedings. Consensual relationship between parties at initial stage cannot be given a colour of criminality when such relationship does not fructify into marital relationship.

x. On the whole, the evidence on record, to conclude with, in the estimation of this Court does not substantiate the imputations of the allegations made against the accused person named above and the prosecution case cannot be said to have been established beyond all shadows of reasonable doubts.

M) **FINAL VERDICT:**

i. In view of the discussion made above, it is found that the prosecution has failed to bring home the charge against the accused person named above and accordingly the prosecution case fails.

ii. Hence, it is

ORDERED

that the accused person namely **Shri. Chandan Kumar Panda** is found not guilty to charge u/Ss. 376/417/323/506 IPC and he is accordingly acquitted in terms of S. 235 CrPC.

The bail bond furnished by the accused person named above in this case be treated as the bail bond furnished in compliance with the provision of S. 437-A CrPC and shall remain in force for a period of three months from the date of this judgment.

Seized articles, if any, be disposed off in accordance with S.452 CrPC.

Let a copy of this judgment be forwarded to the Ld. Secretary, District Legal Services Authority, Purba Medinipur and the District Magistrate, Purba Medinipur for informing the informant of this case about the fate of this case and also about her right to prefer appeal against the instant judgment and entitlement to receive free legal aid for the said purpose.

Dictated and corrected by me:

Sd/-

Additional Sessions Judge,
1st Court at Contai.
Purba Medinipur.

Sd/-

Ajayendra Nath Bhattacharya,
Additional Sessions Judge,
1st Court at Contai,
Purba Medinipur,
JO Code: WB-00819.

FORM - B [FORM NO. M (35)]

Date of offence	05-06-2022
Date of FIR	05-06-2022
Date of Charge Sheet	30-08-2022
Date of framing Charge	18-04-2024
Date of commencement of evidence	26-11-2024
Date when Judgment is kept reserved	21-01-2026
Date of Judgment	10-04-2026
Date of Sentencing Order, if any	NA

ACCUSED DETAIL(S)

Rank of the accused	Name of the accused	Date of arrest	Date of release on bail	Offence charged	Whether acquitted or convicted	Sentence imposed	Period of detention undergone during trial for the purpose of S. 428 CrPC
A1	Chandan Kumar Panda	06-06-2021	04-07-2022	Ss. 376/417/323/506 IPC	Acquitted	NA	NA

Sd/-
Ajayendra Nath Bhattacharya,
Additional Sessions Judge,
1st Court, Contai,
JO Code: WB-00819

FORM - C [FORM NO. M-(36)]

LIST OF PROSECUTION / DEFENSE / COURT WITNESSES:

a. Prosecution Witness:

Rank	Name	Nature of evidence
PW-01	JM (name masked) [CSW-01]	Informant
PW-02	Shri. Chandan Manna [CSW-02]	Independent Witness
PW-03	Shri. Prafulla Manna [CSW-03]	"
PW-04	Shri. Manik Samanta [CSW-04]	"
PW-04	SS (name masked) [CSW-05]	Related Witness

b. Defense Witness:

Rank	Name	Nature of evidence
NA	NA	NA

c. Court Witness:

Rank	Name	Nature of evidence
NA	NA	NA

LIST OF PROSECUTION / DEFENSE / COURT EXHIBITS:

a. Prosecution Exhibit:

Sl. No.	Exhibit Number	Description
1.	Exhibit-P1	Written Information
2.	Exhibit-P1/1	Signature of PW-01 on Exbt-P1
3.	Exhibit-P2	Statement of PW-01 u/S. 164 CrPC
4.	Exhibit-P2/1-2/2	Signatures of PW-01 on Exbt-P2
5.	Exhibit-P3	Medical Report of PW-01
6.	Exhibit-P3/1	Signature of PW-01 on Exbt-03
7.	Exhibit-P4	Seizure List dated 05-06-2022
8.	Exhibit-P4/1	Signature of PW-01 on Exbt-P4
9.	ExhibitP4/2	Signature of PW-05 on Exbt-P4

b. Defense Exhibit:

Sl. No.	Exhibit Number	Description
NA	NA	NA

c. Court Exhibit:

Sl. No.	Exhibit Number	Description
NA	NA	NA

d. Material Object:

Sl. No.	Exhibit Number	Description
NA	NA	NA

Sd/-

Ajayendra Nath Bhattacharya,
Additional Sessions Judge,
1st Court, Contai,
JO Code: WB-00819