

Form A

IN THE COURT OF ADDITIONAL CHIEF JUDICIAL MAGISTRATE 1ST COURT, RAGHUNATHPUR, DISTRICT - PURULIA Present : Sarmistha Ganguly Additional Chief Judicial Magistrate, Raghunathpur, Purulia Date of the Judgment: 30th day of September, 2024 Case No. GR 294 / 2021 (Registration No. 548/2023) (CNR No.- WBP006000 7982023) (Arising from Raghunathpur Women P.S Case No. 06/21 dated 25.05.2021 under sections 498-A of the Indian Penal Code)	
Complainant	State of West Bengal
Represented by	Name of the Advocate : Assistant Public Prosecutor
Accused	(1) Raghunath Bauri
Represented by	Name of the Advocate : Shri Arnab Roy

FORM B

Date of Offence	Since after marriage and lastly on 22.05.2021
Date of F.I.R.	25.05.2021
Date of Police report	30.06.2021
Date of framing Charge against the accused	20.09.2024
Date of commencement of Evidence	26.09.2024
Date of examination of the accused u/s. 313 of the Cr.P.C.	30.09.2024
Date on which Judgment is reserved	
Date of Judgment	30.09.2024
Date of the Sentencing Order, if any	

Accused details:

Rank of the Accused	Name of Accused	Date of surrender	Date of release 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.	Raghunath Bauri	08.06.2021	08.06.2021	u/s.498-A of IPC	Acquitted		

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)
P.W. 1	Kabita Bauri	Defacto complainant cum victim

B. Defence Witnesses, if any :

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
D.W. 1		
D.W. 2		

C. Court Witnesses, if any :

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
C.W. 1		
C.W. 2		

LIST OF PROSECUTION / DEFENCE / COURT EXHIBITS

A. Prosecution :

Sr. No.	Exhibit Number	Description
1.	Exhibit 1 by P.W. 1	Signature of the defacto complainant on the written complaint

B. Defence:

Sr. No.	Exhibit Number	Description
1.	Exhibit D-1 / D.W. 1	
2.	Exhibit D-2 / D.W. 2	

C. Court Exhibits :

Sr. No.	Exhibit Number	Description
1.	Exhibit C-1 / C.W. 1	
2.	Exhibit C-2 / C.W. 2	

D. Material Objects:

Sr. No.	Material Object Number	Description
1.	M.O. 1	
2.	M.O. 2	

J U D G M E N T**Facts of the Parties Case :**

The prosecution case in brief is that the *defacto* complainant namely Kabita Bauri had got married with the accused Raghunath Bauri of village Babugram P.S Raghunathpur about 10 years back and at the time of her marriage, the complainant had been given cash of Rs. 50,000/-, gold ornaments, utensils and other articles of dowry. The complainant has further stated that after marriage, she had gone to her matrimonial residence to lead a conjugal life with her husband but just after a few days of her marriage, her husband and her father in laws being the accused persons herein started inflicting physical and mental torture upon the defacto complainant and also humiliated her by abusing her slang languages and refused to give her proper food. The complainant has further stated that two daughters were born out of her wedlock with her husband and after their birth, the complainant was again physically tortured by her husband and was also asked to quit her matrimonial residence. The complainant has further alleged that she continued to bear all the torturers inflicted upon her silently for the sake of her minor daughters and thereafter again gave birth one son but on 22.05.2021, at about 7:00 p.m in the evening, her husband severely assaulted her on her hands as a result of which she received serious injury and was taken to Raghunathpur BPHC for her medical treatment. Hence, the present written complaint has been filed by the complainant before the concerned Raghunathpur P.S against her husband and father in law for the alleged incidents of torture inflicted upon her.

On receiving the complaint over the above incident, the Officer in Charge of Ragunathpur Women Police Station started Raghunathpur Women **P.S Case No. 06/21 dated 25.05.2021** under sections 498-A of the Indian Penal Code against two accused persons namely, Raghunath Bauri and Bijoy Bauri, which culminated into the submission of charge-sheet against them for the offence punishable under section 498-A of the Indian Penal Code .

It appears on perusal of the record that during the pendency of the instant case one of the accused persons namely, Bijoy Bauri had expired on 08.08.2021 and a report was called for from the concerned Raghunathpur Women P.S with regard to the date of death of deceased accused and after receipt of the said report from the concerned P.S on 25.09.2024 along with photocopy of the death certificate of the deceased accused above named, he was filed for ever in the present case. Subsequently, the trial in the present case proceeded against the sole accused person namely, Raghunath Bauri.

Thereafter, the charge has been framed against the sole accused person for the offence punishable under sections 498-A of the Indian Penal Code and the contents of charge for the offence punishable under sections 498-A of the Indian Penal Code has been read over and explained to the accused person in his local language, to which he has pleaded not guilty and has claimed to be tried and hence, this trial.

After closing the evidence of the prosecution, the sole accused person has been examined under section 313 of the Criminal Procedure Code, wherein the accused person has declined to adduce any defence witness. The defence plea, as appearing from the trends of cross examination of the prosecution witnesses and examination of the sole accused person under section 313 of the Code of Criminal Procedure and the submission of the Ld. Defence Counsel, is bearing the innocence of the accused person above named.

(4)

Points for Consideration

(1) Did the accused person commit the offence punishable under sections 498-A of the Indian Penal Code ?

Decision with Reason

The prosecution has produced only one witness to establish the charges leveled against the accused person. The defacto complainant as well as the victim in the present case, namely **Kabita Bauri (P.W.-1)** has stated in her deposition that she had lodged the written complaint against the accused persons on account of certain misunderstandings with them and that at present the disputes with the sole accused person, being her husband has been amicably settled and she is residing peacefully at her matrimonial home. P.W1 further stated that she is voluntarily deposing before this court and that the written complaint had been scribed as per her instruction and after being read over and explained its contents, she has put her signature on the same. (The signature of the defacto complaint has been marked as Exhibit 1 during her evidence). During her cross examination, the complainant specifically admitted that she has no allegations against the accused person and also no objection if he is acquitted from the present case.

The case record reflects that the further evidence of the prosecution has been directed to be closed by the Court on the verbal prayer of Ld. APP and after duly considering the above mentioned version of the defacto complainant cum sole victim namely **Kabita Bauri (P.W.-1)** In such circumstances, it appears that the offences punishable under section 498-A of the Indian Penal Code, to which the accused person has been charged with, are not attracted against him.

Considering the four corners of foregoing discussions, this court has no hesitation to hold that the prosecution has hopelessly failed to establish the charges and accusations leveled against the sole accused person for the offences punishable under sections 498-A of the Indian Penal Code and accordingly, the sole accused person above named is liable to be acquitted from the present case as well as from all the charges and accusations leveled against him under section 248 (1) of the Criminal Procedure Code.

Hence, it is,

Ordered

that the sole accused person namely Raghunath Bauri is found not guilty of the offence punishable under section 498-A of the Indian Penal Code and accordingly, the sole accused person above named is hereby acquitted from the present police case as well as from all the charges and accusations leveled against him, in terms of the provision enumerated under section 248 (1) of the Criminal Procedure Code.

The sole accused person above named is hereby set at liberty and stand discharged from his bail bond.

D/C.

Sd./-

Sd./-

(Sujoy Kr. Sarkar)

A.C.J.M., Raghunathpur

Additional Chief Judicial Magistrate,
Raghunathpur, District - Purulia

