

IN THE COURT OF ADDITIONAL SESSIONS JUDGE, MAL, JALPAIGURI

Present : **Sri Sanjoy Ranjan Paul, (WB 00746)**
Addl. Sessions Judge, Mal, Jalpaiguri.

S.C. – 365 of 2014
S.T. 59(10) 2015
GR No:- 5424/2013

Charge U/S. 363/366A/376 of IPC .

State of West Bengal
vs.
Provankar Barua @ Provakar Barua.....Accused person

Order dated 15.07.2026

Accused person namely Provankar Barua @ Provakar Barua on bail is present physically by filing hajira with Ld. Advocate. The Ld P.P.-in-charge is also present.

Today is fixed for examination of accused u/s 313 Cr.P.C.

Record is now taken up for examination u/s 313 Cr.P.C. There is no material in evidence to examine him u/s 313 Cr.P.C.

Record is now taken up for argument as per submissions of the Ld. Advocates of the parties to expedite the mater.

Heard argument on the part of the Ld. Advocates of both sides.

Fixed today at 3.00 p.m. for delivery of judgement.

Dictated & corrected by me.

Addl. Sessions Judge,
Mal, Jalpaiguri.

Additional Sessions Judge,
Mal, Jalpaiguri.

LaterOrder dated 15.07.2026

It is now 3:00 p.m. Record is now taken up for delivery of judgement. The accused person namely, Provankar Barua @ Provakar Barua faced trial for the charge punishable u/s 363/366A/376 of IPC .

The prosecution examined 01 witness namely, Brij Kumar Prasad in this case, as PW1.

PW1 being the complainant deposed that victim was his Bhagni (niece). She was 16+ years of age at the time of incident. Taramoni Prasad was his elder sister and the mother of victim. He further deposed that on 11.10.2013, he lodged the complaint against accused Provankar Barua. He came to know from his Didi that victim went out from house on 09.10.2013 at around 2:30 PM and went missing. Search was made by them in their locality but they could not find her out. Subsequently, they came to know that accused allured his niece with him.

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He further deposed that later on, his niece was recovered by police from Garubathan and was sent to Mal Hospital for medical examination. The victim was also sent to Jalpaiguri Court for recording her statement before Ld. Magistrate. He proved his signature on the written complaint as exhibit P1. During cross-examination, he stated that his niece got married and went to Lucknow, Uttar Pradesh at her matrimonial home and she expired at her matrimonial house two years back.

It appears that no others witness was present in court even after sending summons upon them. It further appears that the victim died in Lucknow two years back as per evidence of PW1.

After exhausting the examination of witness and hearing both the sides, I was constrained to close evidence for the prosecution as per prayer of the Ld. PP. The accused person has not been examined u/s. 313 of Cr.P.C as there is no material to examine him.

After considering all materials on record and having look and regard to the evidence on record, I find that this is a case of no evidence and the accused person should be acquitted for the offence punishable U/S 363/366A/376 of IPC.

Hence, it is,

ORDERED

That, the accused person namely, Provankar Barua @ Provakar Barua is found not guilty for the offence punishable u/s 363/366A/376 of IPC.

He is hereby acquitted from the charge u/s. 232 of Cr.P.C. He is freed from his charge.

He is also discharged from his bail bond. The surety is discharged from his responsibility regarding the bail bond. The accused person be set at liberty at once.

Alamat, if any, be disposed off as per rule after the appeal period is over.

Note in the relevant Register

Dictated & Corrected by me.

*Addl. Sessions Judge,
Mal, Jalpaiguri.*

*Additional Sessions Judge,
Mal, Jalpaiguri.*