

FORM-A

IN THE COURT OF ADDITIONAL DISTRICT & SESSIONS JUDGE BOLPUR : : BIRBHUM Present: Smt. Tania Ghosh,(J.O. Code No WB01461) Additional Sessions Judge, Bolpur, Birbhum <u>Date of delivery of Judgement :- 10.08.2026</u> <u>Sessions Case No : 114 of 2022</u> <u>Sessions Trial No.02(May)/2022</u> [CIS No. 114/22] CNR No.WBBB0C000-592 2022 (arising out of Santiniketan PS Case No.164 of 2019, dated, 22.11.19	
Complainant :	State of West Bengal
Represented By	Sri Anupam Adhya.....Ld. P.P. in charge
Accused :	1. Ursula Kottapadath, 2. Mohammad Jair Ali Mondal and 3. Rubli Chakraborty.
Represented By	1. Sri Goutam Sarkar.....Ld. Advocate

FORM-B

Date of Offence	18.11.2019
Date of FIR	22.11.2019
Date of Charge Sheet	24.05.2022
Date of framing of Charges	16.05.2023
Date of commencement of evidence	13.02.2024
Date on which judgement is reserved	24.07.2026
Date of the Judgement	10.08.2026
Date of the Sentencing Order, if any	N.A

FORM C

LIST OF PROSECUTION/COURT WITNESS

A. Prosecution

Rank	Name	Nature of evidence
PW-1.	Krishna Murmu	Defacto complainant
PW-2.	Srabanti Murmu	Daughter of the defacto complainant cum victim girl
PW-3.	SI Tapan Das	IO of this case.

B. Defence Witness, if any:

Rank	Name	Nature of evidence
---	---	---

C. Court Witnesses, if any:

Rank	Name	Nature of evidence
---	---	---

LIST FOR PROSECUTION/DEFENCE/COURT EXHIBITS

Rank	Exhibit Number	Description
1	Exhibit- 1/1	Signature of PW 1 on Written complaint.
2	Exhibit- 2/1	Signature of PW 1 on formal FIR
3	Exhibit- 1 /2	Endorsement on written complaint.
4	Exhibit- 2	Formal FIR.

B. Defence :

Rank	Exhibit Number	Description
---	---	---

C. Court Exhibits

Rank	Exhibit Number	Description
---	---	---

D. Material Objects

Rank	Exhibit Number	Description
---	---	---

Dictated & corrected by me :

Additional Sessions Judge,
Bolpur, Birbhum.

Additional Sessions Judge,
Bolpur, Birbhum.
J.O. Code No WB01461

J U D G M E N T

1. The instant case arose from a written complaint lodged by one Krishna Murmu, Guardian of Srabanti Murmu of class III of St Teresa School under PS Santiniketan, Birbhum to the effect that on 18th November 2019, her daughter went to school in proper uniform along with leggings to protect her legs from cold. But on entering school she was asked to remove her leggings by the school authority namely, the principal – Archana, class teacher Satabdi Miss and Jahir Sir. It is also alleged that when her child denied to remove it they removed it and she returned back home. The said leggings was returned to the complainant on the next day. Being aggrieved the mother of the student lodged this case at Santiniketan PS on 22.11.19.

2. On the basis of above complaint the instant case being Santiniketan P.S case No. 164/19 dated, 22.11.19, U/s 75 J J Act was initiated against the three accused persons. SI Dhruvajyoti Dutta was endorsed to investigate the case. During investigation, SI Dhruvajyoti Dutta visited the PO, prepared rough sketch map, examined available witnesses and recorded their statements. The victim/student was produced before the Court for recording her judicial statement. On transfer of SI Dhruvajyoti Dutta, the case was endorsed to SI Tapan Das on 29.06.2020. On 24.05.2022, after investigation the IO filed charge sheet against 3 accused persons namely, 1. Ursula Kottapadath, 2. Mohammad Jahir Ali Mondal and 3. Rubli Chakraborty under Section 75 JJ Act and Section 506 of the IPC.

3. Accordingly, Ld. A.C.J.M, Bolpur had taken the cognizance of offence against the charge sheeted accused persons. Following the procedural law this case is thereafter committed before this Court.

4. On 11.08.2022, the case record was received by this court and accordingly, three accused persons namely, 1. Ursula Kottapadath, 2. Mohammad Jair Ali Mondal and 3. Rubli Chakraborty appeared

Contd... p(5)

Contd...

before this court.

5. On 16.05.2023 charge was framed against the three accused persons namely, 1. Ursula Kottapadath, 2. Mohammad Jahir Ali Mondal and 3. Rubli Chakraborty, under section 75 of the JJ Act and Section 506 of the IPC. After framing of the charge, the same was read over and explained to the accused persons to which they pleaded not guilty and claimed to be tried. Hence this trial.

6. To prove the case the prosecution has examined as many as three(3) witnesses including the defacto complainant, the victim, and the I.O. After completion of three witnesses Ld APP(P) submits for closing of prosecution evidence. Accordingly, the prosecution evidence is closed and the statements of the accused persons recorded u/s 313 of Cr PC. All the incriminating evidence led by the prosecution put before the accused persons one after another to which they denied it as false and incorrect with the submission that they are innocent and falsely implicated in the present case and they do not want to lead any defence evidence.

7. **Points for determination**

From the rival case of respective parties following points have been cropped up for consideration and determination.

I. Whether the accused persons have committed any offence under Section 75 of the JJ Act and under Section 506 of the IPC ?

II. Whether the prosecution has been able to prove its case against the accused persons beyond all reasonable doubts?

8. **Decision with reasons**

The points for consideration are taken up all together for the

Contd... p(6)

Contd...

sake of brevity and convenience of discussion.

(i) **PW 1 Krishna Murmu** is the complainant as well as the mother of the victim/student who lodged one FIR at Santiniketan PS against all the accused persons and identified them on dock. She also stated that she lodged the complaint after 3 days of occurrence which took place on 18.11.19. She also stated that her daughter Srabanti Murmu is the student of St Terasa School situated at Makarampore, Bolpur. On the date of incident ie on 18.11.19 at about 07.00 am, she left her daughter to her school and on that day, at about 01.00/01.30 pm, she again went to her school to bring her back. At that time, she found that her daughter was sitting in a room at her school and was crying. She went to her school wearing a legging with her school uniform but when she went to take her back, she saw that her leggings had been put off and she was just wearing her uniform in upper portion and her under garments. Her leggings had been taken by the school authority and kept deposited with the school. Her daughter informed her as her leggings was not the part of proper uniform, school authority had taken the same. She also stated her that for that reason she was feeling uneasy and other students were taunting her. Thereafter, she brought her daughter back home. She also stated that her daughter was not willing to go to school again. She fell sick and for that reason, she lodged the case against the accused persons at Santiniketan PS. She further stated that her complaint was written by one Mamp Ghosh of Makarampore as her statement and version and she also read over the contents to her and after knowing the contents she put her signature. She proved the same marked as Ext. 1/1 and also proved her signature on the formal FIR marked as Ext. 2/1.

During cross examination she admitted that due to misunderstanding with the accused persons she instituted this case. Her daughter Srabanti Murmu is still studying at St Terasa School in class IX and she has no complaint in studying in the said school.

Contd... p(7)

Contd...

Now, she is studying at the school peacefully. It has come out that accused Rubli Chakraborty and Md Jahir Ali Mondal are still teaching in the said school and they also take classes of her daughter. The principal Archana Mam has been transferred to another school.

(ii) PW 2, Srabanti Murmu is the victim/student who stated that her mother lodged this case at Santiniketan PS about 6 years back on 18.11.19 when she was a student of class III at St Teresa School, Bolpur. On that day, as it was very cold her parents sent her to the school with leggings. But the colour of the said leggings was different from the colour of school uniform. The principal Archana Fernandes asked her to change the said leggings and she also asked other students who were not wearing proper uniform to change their cloth with proper uniform. At that time, she had no other leggings or lower garment to change her leggings but she was compelled to remove her leggings by teachers. For that reason, other students were laughing at her and she could not attend school for next 3-4 days. Her mother lodged complaint against principal and other two teachers. She identified them on dock.

During cross examination she admitted that she is studying at St Teresa School since nursery till date. It has come out that it is mentioned in the school diary what the school students are required to do and what not to do during school time and she used to follow the said instructions. She admitted that the teachers who are accused in this case are affectionate towards her and she also respects as her teachers.

(iii) PW 3, SI Tapan Das is the IO of this case who stated that in the year 2020, he was posted at Santiniketan PS and took charge of investigation of this case. He perused the complaint and other materials in CD, recorded statements of the complainant under Section 161 Cr PC and on completion of investigation he submitted

Contd... p(8)

Contd...

charge sheet against the 3 accused persons namely, 1. Ursula Kottapadath, 2. Mohammad Jair Ali Mondal and 3. Rubli Chakraborty. SI Dhruvajyoti Dutta was the recording officer as well as first IO of the instant case. He proved his signature marked as Ext. 1/1 and formal FIR marked as Ext. 2.

During cross examination he admitted that he did not investigate to find out as to how many students were there in class of the victim or who was the monitor of the said class. He did not investigate to find out whether any complaint was lodged by the victim or her guardian before the Administration Head of the School.

9. Argument

Ld. Counsel appearing on behalf of the prosecution submitted that prosecution has examined victim, defacto complainant and IO. It reveals from the record that the testimonies of the witnesses are corroborative regarding commission of the offence. Therefore, the prosecution has successfully established the prosecution case by producing cogent evidence on record beyond any shadow of doubt.

Per contra, Ld. Advocates for the accused persons have submitted that cruelty or willful neglect of the student or mental or physical sufferings of the student has not been proved before the Court. The mother of the victim admitted before the Court that out of misunderstanding she lodged this case against the accused persons. The victim/student admitted that she is still studying at the same school and the accused persons/teachers are affectionate towards her. On the date of incident, the accused/teachers only instructed her to wear proper uniform. No independent witness support the prosecution case. Thus prosecution has failed to prove its case beyond all reasonable doubt. He relied upon the decision of Hon'ble Court in Babloo Pasi Vs State Jharkhand & Anr -2008, AIR 2009 SC 314 in support of his contention.

Contd... p(9)

Contd...

10. FINDINGS OF THE COURT

(I) Before perusal of the testimonies of the prosecution witnesses the essential ingredients of relevant statutory provisions are required to be discussed for proper adjudication of this case. In the present case charge has been framed under Section 75 of Juvenile Justice Act and Section 506/34 of the IPC. To attract Section 75 of Juvenile Justice Act prosecution must establish that the accused persons had actual charge or control over the child and they assaulted/abandoned/exposed or willfully neglected the child or caused/ procure such conduct in a manner likely to cause the child unnecessary mental or physical sufferings. On the other hand, to prove Section 506 of the IPC, prosecution has to prove deliberate threat of injury to person, property or reputation with clear intention to cause alarm.

(ii) In the present case, the prime witness of the prosecution case is the victim/student who has examined before the Court as PW 2. During examination in chief she admitted that on the date of incident, she wore leggings which was different from the colour of her school uniform and the school authority ie the principal Mam and other teachers asked her to change her leggings. It has also come out that the principal madam also asked other students who were not wearing proper uniform to change their cloth with proper uniform. There is no allegation of abuse or abandon or willful neglect of the child on the part of the victim/student against her teachers. She also admitted that she is a student of St. Teresa School since her childhood and also continuing her study at the same school. The teachers of the school are affectionate to her. Being the key witness of the prosecution case she made no allegation of unnecessary mental or physical sufferings or deliberate threat of injury to her person or reputation.

(iii) The mother of the victim is the complainant and another vital witness of the prosecution who categorically admitted before the Court that out of misunderstanding with the accused/teachers she lodged this

Contd... p(10)

Contd...

case. Her daughter is still studying in the same school and having no problem in study in the said school. She also admitted during examination in chief that on the date of occurrence, her daughter went to school wearing a leggings which was not the part of proper uniform. School authority asked her to put off the same as it was not the part of her school uniform.

(iv) To come under the purview of Section 75 of Juvenile Justice Act, an assault, abandonment, abuse or neglect of child is necessary. In the instant case the victim/student was asked to change her leggings as she was not wearing proper uniform. It is the bonfide of the teacher to expect that the every student should attend school in proper uniform. Thus, in the instant case, the conduct of the teachers cannot be considered as unnecessary or abusive or neglectful towards the student.

(v) Routine administrative instruction by the school authority to maintain school discipline does not fall under Section 75 of Juvenile Justice Act. Hon'ble Apex Court in its plethora of Judgements categorically established a sharp line between lawful discipline and criminal cruelty. In **Sindhu Siva Das VS State of Kerala 2024**, Hon'ble Apex Court ruled that a school principal instructing a student to wear a prescribed uniform does not come under the purview of Section 75 of Juvenile Justice Act. In **Sanjeev Kumar Vs State of Himachal Pradesh, Sobha Vs State of Karnataka, Geetha Shivkumar Vs State of Maharastra** reiterated the same view.

(vi) In the present case, the victim/student admitted before the Court that the accused/teachers asked her to change her leggings as it was not proper uniform. Enforcing uniform policy by the teacher including principal of the school is valid disciplinary measure which is necessary for school discipline and it does not constitute cruelty under Section 75 of Juvenile Justice Act. In the case in hand it transpires from the testimonies of the prosecution witnesses that the accused/teachers without any malicious or cruel intention instructed the students of the school to wear

Contd... p(11)

Contd...

proper school uniform. No deliberate emotional torture or humiliation are found from the prosecution witnesses. Rather, no other school student who was present on that day at the school appeared before the Court to establish the alleged prosecution case. After examination of only 3 witnesses prosecution intended to close the prosecution evidence. The IO admitted before the Court that he did not investigate as to how many students were there at the time of alleged occurrence, or who was the monitor of the said class. It has also come out that on the date of alleged incident the principal asked all students to change their cloths who were not wearing proper uniform.

It also appears from the record that the written complaint was lodged after 3 days of the alleged incident. Prosecution has failed to explain the reason of inordinate delay of filing FIR.

(vii) At the outset, it is apposite to be in mind that the settled principles of criminal jurisprudence is that the accused is presumed to be innocent unless contrary is proved. The burden lies upon the prosecution to establish all the essential ingredients of the offence beyond reasonable doubt.

(viii) Thus, prosecution has failed to prove that the accused persons committed any offence u/s 75 of Juvenile Justice Act or under Section 506 of the IPC beyond all reasonable shadow of doubt. The evidence adduced by the prosecution was inconsistent enough with the guilt of the accused persons. In totality the prosecution has failed to bring home the charges leveled against the accused persons beyond all reasonable doubt.

Therefore, the benefit of doubt must go in favour of the accused persons namely, 1. Ursula Kottapadath, 2.Mohammad Jair Ali Mondal and 3. Rubli Chakraborty and they are held not guilty to the aforesaid charges.

Contd... p(12)

Contd...

11. Hence, it is,

O R D E R E D

that the accused persons namely 1. Ursula Kottapadath, 2.Mohammad Jahir Ali Mondal and 3. Rubli Chakraborty are **found not guilty** of the charge u/s **75 of Juvenile Justice Act** and **Section 506 of IPC** and accordingly all the three accused persons are hereby acquitted from this case u/s **235(1) of Cr.P.C.**

Considering Sec. 437-A of Cr.P.C the existing bail bonds of the acquitted accused namely, 1.Ursula Kottapadath, 2.Mohammad Jair Ali Mondal and 3. Rubli Chakraborty be continued for next six months with condition that accused shall appear before the Higher Court as and when such Court issue notice in respect of any appeal or petition filed against this judgment.

Defecto complainant has every right to appeal before the higher forum against this Judgement.

Let a copy of this order and judgement along with evidences, charge form, depositions, examination u/s 313 of Cr.P.C. be sent to the Secretary, District Legal Service Authority, Birbhum.

Let a copy of this order and judgement be sent to the District Magistrate, Birbhum.

Note Accordingly in Trial Register and CIS.

Seized articles, if any, be disposed of according to law.

Dictated and corrected by me,

Additional Sessions Judge,
Bolpur, Birbhum.

Additional Sessions Judge,
Bolpur, Birbhum.
J.O. Code No WB01461