

S.T. No. 30(08)2023
Sessions Serial no. 222/2022
CNR No. WBMD01-003741-2022

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DISTRICT- MURSHIDABAD
THE COURT OF THE ADDITIONAL SESSIONS JUDGE, 1ST COURT
AT BERHAMPORE

PRESENT: NILANJANA CHATTERJEE (WB00811)
ADDITIONAL SESSIONS JUDGE
1ST COURT, BERHAMPORE

SESSIONS SL NO. 222 OF 2022

S. T. NO. 30 (08) 2023

STATE OF WEST BENGAL -VS- ATIBUR SK & 7 OTHERS

[UNDER SECTION 498A/506/34 OF THE INDIAN PENAL CODE]
& SECTION 376 OF THE INDIAN PENAL CODE

DATE: 15 JULY, 2026

For the State: Smt. Aditi Mukherjee

For the Defence: Sri Somnath Maitra

JUDGMENT

The complainant on 15/03/2020 registered a written complaint before Rejinagar P.S alleging as follows:

The complainant was married to Atibur Sk about 1 ½ years prior to lodging of the complaint. After marriage she went to reside with her husband and in-laws at her matrimonial home. It has been alleged that soon after her marriage the complainant was subjected to mental and physical atrocities by her husband and in-laws namely Kajem Sk (father-in-law), Amjad Sk, Motibur Sk and Sajibur Sk (brothers-in-law), Anju Nahar @ Arju Nahar Bibi (mother-in-law) and married sisters-in-law Selina Bibi and Sakina @ Sabina Bibi. [all hereinafter referred to as the accused persons].

The written complaint also mentions that on 01/03/2020 at about 10 PM, her father-in-law Kajem Sk entered her room forcibly and raped her.

The written complaint initiated the Rejinagar P.S Case n o. 71 of 2020 u/s 498A/376(1)/506 I.P.C.

Investigation commenced and concluded with submission of charge-sheet against all F.I.R named accused persons for committing offences under the above referred sections of the penal code.

Since an offence under section 376 of the Indian penal code is exclusively triable by the Court of Session the case was committed to the court of Learned Sessions Judge Murshidabad. The case was subsequently transferred to this court for disposal.

After the case record was received, all the charge sheeted accused persons appeared before this court and charge under section 498A/506/34 IPC was read over and explained to all the accused persons. Accused Kajem Sk was also charged under section 376 IPC. The accused persons pleaded not guilty and the trial commenced.

POINTS FOR DETERMINATION

Did the prosecution prove the charges beyond all reasonable doubts?

DECISION WITH REASONS

The prosecution examined in total three witnesses namely the complainant, the father of the complainant and the mother of the complainant after which the prosecution case crumbled like a house of cards.

The complainant while deposing as PW-1 stated in her examination in chief that her husband used to physically assault her with the assistance of other accused persons. Surprisingly, she also stated that she was advised to include the incident of alleged rape by her father-in-law in written complaint to make the case more strong.

In cross examination, the complainant stated that she was not aware of the contents of the written complaint and after two months of lodging a complaint she returned to her matrimonial home and since then she has been residing there peacefully.

PW-2 and PW-3 are the father and mother of the complainant respectively. Both denied any knowledge of the alleged incident of rape mentioned in the written complaint. The mother of the complainant testified that her daughter had some marital quarrel with her husband and in-laws as a result of which she had lodged the complaint.

The allegation of physical assault by husband and in-laws as mentioned in the written complaint as well as by the complainant in her deposition is merely generic in nature and cannot drive in the guilt of the accused persons for offence under section 498A IPC. Further, the very fact that the complainant had returned to her matrimonial home within two months of lodging a complaint and has been residing there since then peacefully with all the accused persons show that the allegations made by her were all baseless and false. It is disheartening to note that a woman would bring such baseless and abominable allegation against her father-in-law just to make her case “stronger”.

In fact, I would like to appreciate the accused persons who have been residing peacefully with the complainant who had brought such despicable allegation against her in-laws. I would call the written complaint is nothing but atrocious and morally reprehensible.

The accused persons, no doubt, are entitled to be acquitted.

Hence, it is

ORDERED

the accused persons namely 1) Atibur Sk;2) Kajem Sk;3) Amjad Sk 4)Sajibur Sk; 5)Anju Nahar @ Arju Nahar Bibi; 6)Selina Bibi; 7) Sakina @ Sabina Bibi and 8) Motibur Sk are hereby found not guilty and acquitted under Section 235(1) Cr.P.C.

The accused persons be set at liberty at once and the sureties shall be discharged after six months in accordance to the provision of Section 437A Cr.P.C.

Typed by me:

(NILANJANA CHATTERJEE)

(NILANJANA CHATTERJEE)

Additional Sessions Judge,
1st Court, Berhampore Murshidabad

Additional Sessions Judge
1st Court, Berhampore,
Murshidabad

WB00811

Arising out of Rejinagar P.S case no.71/2020 dated 15.03.2020

Date of offence	01.03.2020
Date of F.I.R	15.03.2020
Date of Charge-sheet	14.07.2020
Date of Framing Charges	29.08.2023
Date of commencement of evidence	11.06.2026
Date of Judgement	15.07.2026
Date of Sentencing order, if any	N.A.

Accused Details:

Rank of accused	Name of Accused	Date of Arrest (DOA)/ Date of Surrender (DOS)	Date of Release on Bail	Offence charged with	Convicted/ Acquitted	Sentence Imposed	Period of detention undergone during trial(for Section 428 CrPC)
1.	Kajem Sk	07.12.2020 (DOS)	07.12.2020	Section 376 of IPC	Acquitted	N.A	N.A
2.	Amjad Sk	19.03.2020 (DOA)	31.05.2020	Section 498A/506 /34 of IPC	Acquitted	N.A	N.A
3.	Atibur Sk	07.12.2020 (DOS)	07.12.2020	Section 498A/506 /34 of IPC	Acquitted	N.A	N.A
4.	Motibur Sk	28.08.2020 (DOS)	28.08.2020	Section 498A/506 /34 of IPC	Acquitted	N.A	N.A
5.	Sajibur Sk	28.08.2020 (DOS)	28.08.2020	Section 498A/506 /34 of IPC	Acquitted	N.A	N.A
6.	Anju Nahar Bibi @ Arju Nahar Bibi	28.08.2020 (DOS)	28.08.2020	Section 498A/506 /34 of IPC	Acquitted	N.A	N.A
7.	Selina Bibi	28.08.2020 (DOS)	28.08.2020	Section 498A/506 /34 of IPC	Acquitted	N.A	N.A
8.	Sakina @ Sabina Bibi	28.08.2020 (DOS)	28.08.2020	Section 498A/506 /34 of IPC	Acquitted	N.A	N.A

Form-C

List of Prosecution/ Defence/ Court Witnesses--

A. Prosecution Witnesses:

Rank	Name	Nature of Evidence(Whether Eye Witness/Police Witness/Medical Witness /Panch Witness Other witness)
P.W-1	Lovely Bibi	Complainant
P.W.-2	Kajol Sk	Father of complainant
P.W-3	Rabia Bibi	Mother of complainant

B. Defence Witness: Nil

C. Court Witness: Nil.

List of Prosecution/Defence/Court Exhibits:

For Prosecution:

Exhibit No.	Description	Proved by
P1	Written Complaint	P.W-1
P1/1	Signature of PW1 on the complaint	P.W-1
P2/1	Signature of PW1 on the medical report	P.W-1
P3 & P3/1 (series)	Statement of PW1 recorded u/s. 164 Cr.P.C. and her signatures on the said statement	P.W-1

For Defence: Nil

For Court: Nil

List of Material Objects:

Serial No.	Material Object No.	Description
	NIL	