

S. Sl.Case. No. 613 of 2024
S.T NO. 30(04)2025

Order No. 08

05.08.2026

Today is fixed for evidence.

The sole accused person Sumanta Kumar Dey on CB is present by filing hazira.

Ld. P.P in-charge is present with three witnesses being the complainant, Sangita Das and Jayanta Kumar Das who are examined as PW-1, PW-2 and PW-3 respectively; cross-examined in full and discharged. The written complaint and statement u/s 164 Cr.P.C were marked Exhibit nos. P1 and P4. Signatures are also marked exhibits.

The Ld. Advocate for the accused prays for closing the prosecution case.

Ld. P.P-in-charge does not raise any objection.

Perused the evidence on record.

The prosecution case is closed.

The case of the prosecution is narrated below in a nutshell:

The complainant on 18.09.2022 at 12:30 AM, lodged a written complaint at Berhampore P.S. alleging that she and Sumanta Kumar Dey got acquainted with each other and they had spent some physically intimate moments together. Sumanta (the accused herein) took photos of the complaint in spite of the complainant's objection. It is further alleged that the accused cohabited with the complainant on many occasions and asked the complainant to sign on a document which the accused said was paper for registered marriage. It is also the case of the prosecution that the accused continued to blackmail the complainant with the intimate photographs and when she stopped communicating with the accused, the latter with some antisocial people came to her house and caused ruckus and even assaulted the father of the complainant.

The Berhampore P.S., on receiving the complaint, started Berhampore P.S Case no. 1233 of 2022 dated 18.09.2022 u/s 417/376/325/506/34 I.P.C. Investigation commenced and concluded with submission of charge sheet against the F.I.R-named accused person for committing offence under sections 417/376/506/323 I.P.C

The case was committed to the Ld Sessions Judge, Murshidabad and then transferred to this court for disposal.

The accused appeared before this court and charge u/s 417/376/506 I.P.C was read over and explained to the accused person who pleaded not guilty and claimed to be tried.

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The prosecution, accordingly, proceeded to adduce evidence. The prosecution adduced evidence of three witnesses after which it decided not to adduce further evidence.

The complainant is PW-1, the mother of the complainant Sangita Das is PW-2 and the PW-3 Jayanta Kumar Das is the father of the complainant.

PW-1 said that she was already married to the accused person prior to the lodging of the complaint and she is unaware of the contents of the written complaint as she signed the same without reading it. She also stated that the statements she made before the Ld. Magistrate was that tutored by the police.

The testimony of PW-2 and PW-3 also echoed the deposition of the PW-1. Both the parents stated that the complainant and the accused got secretly married and the complainant stayed with the accused for only two days after which she realized that she would not be able to adjust with the accused.

The written complaint specifically mentions that the accused used to threaten the complainant that he would make public the complainant's personal photographs. The case does not include any penal section to attract this allegation. The complainant too did not state anything in support of the allegation of blackmail.

On careful perusal of the testimonies of the three principal witnesses, it is apparent that the parties have reached some sort of out of court settlement. What is surprising is that the I.O had collected a copy of the marriage certificate of the complainant and the accused and the same is in the CD. Yet, he has filed charge sheet against the accused under Section 417/376 I.P.C. The prosecution did not exhibit the marriage certificate.

Even if there was no settlement between the parties, the faulty investigation would have been sufficient for the accused person to secure a judgment of acquittal.

It was no use examining the other witnesses because the principal witnesses have been examined and the prosecution did not stand a chance to benefit from testimony of the other witnesses arrayed in the charge sheet.

There is no material to proceed against the accused person.

The accused person is entitled to be acquitted.

Hence, it is

ORDERED

the accused person namely Sumanta Kumar Dey is hereby acquitted under section 232 Cr.P.C. The accused person be set at liberty at once and the surety shall be discharged after six months in accordance to the provision to the Section 437A Cr.P.C.

Typed by me:

Additional Sessions Judge, 1st Court,
Berhampore
WB00811

