

G.R. CASE NO. 1673 of 2024
State of West Bengal Vs Sudip Biswas and three others
Under sections 498A/34 of the Indian Penal Code,1860.

FORM A

IN THE COURT OF THE LD. ADDL. CHIEF JUDICIAL MAGISTRATE, BERHAMPORE, DISTRICT: MURSHIDABAD	
Present: Smt. Sukti Sarker, ACJM, Berhampore, Murshidabad [JO Code WB 01237]	
<u>GR Case No. 1673 of 2024</u> <u>T.R. No. 892 of 2024</u> <u>CNR no. WBMD04-005106-2024</u>	
(Ref: Rejinagar PS Case No. 86/2024 dated 04.04.2024)	
Complainant	STATE OF WEST BENGAL
Represented by	Sri Abid Hassan, Ld APP
Accused Persons	1. Sudip Biswas
	2. Sadhan Biswas
	3. Pratima Biswas
	4. Priyatosh Biswas
Ld. Defence Counsel	Amit Kumar Ghosh

FORM B

Date of Offence	04.04.2024
Date of FIR	04.04.2024
Date of Charge sheet	23.04.2024
Date of Framing Charge	04.06.2026
Date of Commencement of Evidence	04.06.2026
Date on which Judgment is reserved	-
Date of Judgment	04.06.2026
Date of the sentencing order, if any	NA

Accused Details :-

Rank and name of the Accused person	Date of arrest	Date of release on bail	Offence charged with	Whether acquitte d or convicte d	Senten ce impose d	Period of detention undergone during Trial for purpose of section 428 Crpc
1. Sudip Biswas	Surrendere d	08.04.2024	U/S 498A/34 IPC	Acquitte d	NA	NA

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2. Sadhan Biswas	Surrendered	08.04.2024	U/S 498A/34 IPC	Acquitted	NA	NA
3. Pratima Biswas	Surrendered	08.04.2024	U/S 498A/34 IPC	Acquitted	NA	NA
4. Priyatosh Biswas	Surrendered	05.06.2024	U/S 498A/34 IPC	Acquitted	NA	NA

Form C

A. Prosecution

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESSES)
PW1	Parula Bibi	De-facto Complainant

B. Defence witnesses, if any: Nil

LIST OF PROSECUTION/DEFENCE/COURT EXHIBITES

A. Prosecution

Serial Number	Exhibit Number	Description
1.	P1/PW1	Complaint along with signature of PW1

B. Defence: Nil

C. Court Exhibits: Nil

D. Material Objects: Nil

: Judgement :

Case of the prosecution came into trial under section 498A/34 of Indian Penal Code.

The prosecution case in brief is that the de-facto complainant married to Priyatosh Biswas about 04 years ago as per Hindu rites and customs and moved to her matrimonial home. Since marriage she was subjected to torture both mentally and physically by her husband and other in-laws. Finally, on 04.04.2024 at about 10:00 hrs the accused persons started assaulting her and driven out of her matrimonial house. Since then she took refuge to her father's house. Hence, this case.

After completion of investigation police submitted charge sheet against the accused person under sections- 498A/34 IPC and charge was framed u/s 498A/34 IPC after perusal of the materials in CD and CR.

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At the trial the State examined prosecution witness already mentioned above.

The accused persons were examined u/s 313 of Cr.PC and they pleaded their innocence.

POINTS FOR DETERMINATION

- 1) Are the accused person found guilty for the offences punishable u/s – 498A/34 IPC?*
- 2) Has the prosecution been able to prove the case against the accused person beyond reasonable doubts?*

DECISION WITH REASONS

In this case de facto complainant deposed as PW1 and she was subjected to cross examination. In her examination in chief she stated that she was married to Priotosh about 6 years ago and moved to matrimonial house. Out of wedlock she gave birth of two children. She further stated that the dispute was cropped upon in regards of family matters and finally on 04.04.2024 she was driven out of her matrimonial house. During the trends of cross examination, she stated that she has filed this case out of misunderstanding. She has admitted in her cross examination that the dispute has amicably settled between them and she has not allegation against the accused.

The prosecution has failed to build a credible case under Section 498A IPC, relying exclusively on the uncorroborated testimony of the de-facto complainant. A critical evaluation of her oral evidence reveals complete contradictions, as it fails to substantiate the severe allegations of torture and suffering outlined in the FIR. Furthermore, there is a total absence of independent documentary or medical proof, making the allegations fundamentally unsustainable at this stage. It further appears that de-facto in her cross examination stated that Hence, prosecution case is liable to be failed.

The obvious result of all these glaring discrepancies and pitfalls must also be obvious. The prosecution case must be declared to have failed. The charges brought against the accused person could not be substantiated.

This is a case where an order of acquittal would follow because of the doctrine relating to proof beyond reasonable doubt and because there has been absolute lack of credible evidence in support of the framed charges as well as because there are too many questions left unanswered by the State.

To conclude, the prosecution has miserably failed to prove its case against the accused person. This failure entitles the accused to an order of acquittal.

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Hence, it is

ORDERED

The accused persons being **1. Sudip Biswas, 2. Sadhan Biswas, 3. Pratima Biswas and 4. Priyatosh Biswas** are not found guilty in the instant case U/s. 498A/34 IPC and they are acquitted under Section 248(1) Cr.P.C.

Set them at liberty at once.

They are also released from their respective bail bonds and the sureties stands discharged.

Dictated and corrected by me.

(Sukti Sarker)
JO-WB01237
Addl Chief Judicial Magistrate
Berhampore, Murshidabad

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Addl Chief Judicial Magistrate
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Order dated- 04.06.2026

Case record is put up today by a petition filed on behalf of the accused persons.

All the accused person, namely, **1. Sudip Biswas, 2. Sadhan Biswas, 3. Pratima Biswas and 4. Priyatosh Biswas** on Court bail are present by filing hazira. The Ld. APP as well as the Ld. Defence Lawyer are also present.

The case record is taken up for consideration of charge. Heard learned lawyers of both sides. Perused the documents in the case record and materials in the Case Diary.

Prima facie case being found to have been made out accused persons and charge is framed against them under section **498A/34** of the Indian Penal Code. The contents of the charge so framed are read over and explained to the accused persons in vernacular to which the accused persons pleaded innocence saying “Ami Nirdosh” and claimed to be tried.

De facto complainant is present and files fresh voklatnama.

The case record is not taken up for recording Evidence.

The de-facto Complainant is present with photo identity proof & files power.

She is examined & cross-examined in full as PW-1 and discharged.

At this stage, Ld. Advocate for the accused persons has filed a petition, praying for closure of evidence.

Considering the evidence, nothing transpires from the deposition of the witness.

Hence summoning of further witness would be nothing less than futile attempts at wasting the judicial hour & revenue of the Court.

Thus, evidence of the prosecution is hereby closed.

The accused persons are present.

Thereafter the record is taken up for examination of the accused persons u/s 313 of Cr.P.C.

Accused persons are examination u/s 313 Cr.P.C and she pleaded her innocence throughout. They declined to give any DW.

Heard both sides.

Judgment will be delivered at 3.00 pm.

Dictated and corrected by me.

(Sukti Sarker)
JO-WB01237
Addl Chief Judicial Magistrate
Berhampore, Murshidabad

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Addl Chief Judicial Magistrate
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Later at 3.00 pm.

Hence, it is

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*The accused persons being **1. Sudip Biswas, 2. Sadhan Biswas, 3. Pratima Biswas and 4. Priyatosh Biswas** are not found guilty in the instant case U/s. 498A/34 IPC and they are acquitted under Section 248(1) Cr.P.C.*

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