

WBMD040103722024



In the Court of **Ld. Judicial Magistrate, 1st Court, Berhampore,**
Murshidabad

Present-Najmus Sahar
JO Code-WB01355

Date of Delivery of Judgment:- 25th day of June, 2026

G.R. Case No. 6714/24
T.R. No. 1402/25
C.I.S. No. 6714/2024
CNR No. WBMD040103722024

Arising out of Berhampore PS case No. 2046/24 *dated 17.12.2024*
under section 85/115(2)/74/351(2)/3(5) B.N.S.

<i>Complainant:</i>	State of West Bengal
<i>Represented By:</i>	Shri. Siddhartha Gupta Ld. APP
<i>Accused:</i>	1. Sayan Halder 2. Rama Halder 3. Subal Halder and 4. Raju Sk
<i>Represented By:</i>	Subhankar Saha & Rakesh Mitra, the Ld. Advocate

<i>Date of Offence</i>	Since After marriage
<i>Date of First Information Report</i>	17.12.2024
<i>Date of Charge sheet</i>	31.12.2024
<i>Date of Framing of Charge/Plea</i>	20.05.2026
<i>Date of Commencement of Evidence</i>	20.05.2026
<i>Date on which Judgment is reserved</i>	NA
<i>Date of Judgment</i>	25.06.2026
<i>Date of Sentencing Order, if any,</i>	Acquitted

WBMD040103722024



Form-A
Accused Details:

Rank of Accused	Name of Accused	Date of arrest	Date of release on Bail	Offence charged with	Whether acquitted or convicted	Sentence imposed	Period of detention undergone during trial for the purpose of Section 428 CrPC
A-1 A-2 A-3 A-4	1. Sayan Halder 2. Rama Halder 3. Subal Halder and 4. Raju Sk	18.12.2024 A-1	18.12.2024 All the accused	85/115(2)/ 74/351/3(5) BNS	acquitted	NA	NA

Form-B
List of Prosecution / Defense / Court Witness:

A. Prosecution Witness

Rank	Name	Nature of Evidence (Eye Witness, Police Witness, Expert Witness, Medical Witness, Panch Witness, Other Witness)
PW 01	Sneha Saha	De facto complainant

B. Defense Witness, if any,

Rank	Name	Nature of Evidence (Eye Witness, Police Witness, Expert Witness, Medical Witness, Panch Witness, Other Witness)
<i>NIL</i>	<i>NIL</i>	<i>NIL</i>

C. Court Witness, if any,

Rank	Name	Nature of Evidence (Eye Witness, Police Witness, Expert Witness, Medical Witness, Panch Witness, Other Witness)
<i>NIL</i>	<i>NIL</i>	<i>NIL</i>

Form-C
List of Prosecution / Defense / Court Exhibits:

A. Prosecution:

Srl. No.	Exhibit Number	Description
1.	Exbt-P/1(PW-1)	<i>The signature of P.W.-1 on the written complaint</i>



B. Defense:

Srl. No.	Exhibit Number	Description
<i>NIL</i>	<i>NIL</i>	<i>NIL</i>

C. Court Exhibit:

Srl. No.	Exhibit Number	Description
<i>NIL</i>	<i>NIL</i>	<i>NIL</i>

D. Material Objects:

Srl. No.	Exhibit Number	Description
<i>NIL</i>	<i>NIL</i>	<i>NIL</i>

J U D G M E N T

Factual Matrix:-

The instant case is under section **85/115(2)/74/351(2)/3(5) B.N.S.** This case was initiated on the basis of FIR lodged by the Officer-in Charge of **Berhampore PS.**

The allegations against the accused persons who happens to be the husband and other in-laws member of the de-facto-complainant.

It is stated by the de-facto complainant that after marriage, the accused persons being the husband and other in-laws member used to torture both physically & mentally by him at her matrimonial house over the issue of more dowry demand and others family matters. Thereafter, their tortured increased manifold and she was driven out from her matrimonial house. Lastly, on 16.12.2024 at about 20:00 hours all the accused persons assaulted her by fist and blows and also tried to kill her by strangulation. They also outraged her female modesty by tearing her wearing apparels and threatened her. Hence this case.

Ultimately, on receipt of the complainant **Berhampore PS case No. 2046/2024 dated 17.12.2024** under section **85/115(2)/74/351(2)/3(5) BNS.**

One Jayanta Dutta A.S.I. of **Berhampore PS** investigated the matter and submitted Charge Sheet being **No. 1890/2024** dated **31.12.2024** U/S. **85/115(2)/74/351(2)/3(5)** was submitted against the aforesaid accused persons.



Later on charge was framed by this court under section 85/115(2)/74/351(2)/3(5) against the aforesaid accused persons and the contents of the said charge was read over and explained to the accused persons to which they pleaded not guilty and claimed to be tried. Hence, the trial began as this court exercises the jurisdictional domain of the issue.

-:- Points for Consideration -:-

After exhausting the above procedures the case was posted for hearing of arguments. After considering every possible facet in this case and considering the materials available the points for determination are arrayed as under:

a) Was the de facto complainant subjected to cruelty and tortured both mentally and physically by the accused persons as manifested by the prosecution and whether the prosecution has able to prove their case against the accused persons beyond reasonable doubt?

b) Is the accused persons are guilty of the offence punishable under sections 85/115(2)/74/351(2)/3(5)?

Decisions With Reasons

Now, I am to analyze, assess and to take into account of the total evidence and materials on record to have a clear decision of the case.

In this case the P.W.01 has stated that after marriage both complainant and the accused persons lacks the compatibility issue and inspite of reconciliation they could not stay together. They tried to reconcile but in vain. She also stated that they had lost mutual trust with each other. So, at present she is residing at her paternal home. Hence, she lodged this case. It transpires that from the statement of PW1 nothing incriminating material has brought to the case hence, I therefore hold that I find no incriminating materials against the accused persons.



In the case of Manjura Kalita Vs State of Assam, 2009 the Supreme Court held that for holding an accused guilty u/s 498A of IPC it has to be established that the woman has been subjected to cruelty continuously/persistently or at least in close proximity of time to the lodging of the complain and the quarrels cannot be termed as cruelty within the provision of 498A. In the case of B.S Joshi Vs State of Hariyana that taking a hyper-technical view of the section is cautioned that being said, the increasing misuse of section to settle personal scores also warrants due attention. Court must carefully decided whether a case of cruelty is substantiated enough and enough evidence to necessitate prosecution or not.

I therefore hold that the essential ingredients to connect the accused persons with the offence punishable under section under sections **85/115(2)/74/351(2)/3(5) of BNS** is very much absent in the present case.

In fact, the prosecution has failed to bring home any iota of evidence that after the marriage, the accused persons tortured the complainant, whereby the prosecution fails to constitute the offences including the ingredients of such offences as demanded by Indian Penal Code.

All the points are thus answered in the negative.

In the result prosecution case fails and the accused persons merit acquittal.

Hence, it is

O R D E R E D

That the accused persons namely, **1. Sayan Halder 2. Rama Halder 3. Subal Halder and 4. Raju Sk** are found not guilty of committing the offences punishable under section **85/115(2)/74/351(2)/3(5) of BNS**, and they are hereby acquitted under section 271(1) of B.N.S.S.

The accused persons are present. They are discharged forthwith from their bail bonds and be set at liberty subject to the provision of the B.N.S.S from their respective bail bonds.

Seized alamt, if any, be disposed of in accordance with law after appeal period, if preferred.

Note in the relevant register.

Update in CIS accordingly.

WBMD040103722024



The case record be sent to the DRR following the modalities of law.

The copy of order be sent to office of District Magistrate for his information and necessary action with regard to the right of appeal of de-facto complainant/victim through DLSA, Murshidabad.

Typed and corrected by me;

Sd/-

(Najmus Sahar)

Judicial Magistrate 1st Court

Berhampore, Murshidabad

Sd/-

(Najmus Sahar)

Judicial Magistrate 1st Court

Berhampore, Murshidabad