

Form A

IN THE COURT OF THE ADDITIONAL CHIEF JUDICIAL
MAGISTRATE, 2ND COURT, HALDIA, PURBA MEDINIPUR

Present : Quadira Sultana
Addl. Chief Judicial Magistrate
2nd Court, Haldia.

Date of Pronouncement of Judgment - 08/04/2025

G.R – 1761/19

(C.I.S. No. -301121/23 ; T.R. -423/22)

(CNR – WBEM08-002164-2023)

(J.O. Code - WB 01180)

(Details of FIR/Crime and Police Station)

Complainant	STATE OF WEST BENGAL
REPRESENTED BY	ASSISTANT PUBLIC PROSECUTOR
ACCUSED	1. Chandan Singha 2. Krishna Prasad Singha 3. Smt. Kabita Singha 4. Narayan Chandra Singha
REPRESENTED BY	Sri. Bimal Kr. Maji, the Ld. Advocate of accused persons.

FORM B

Date of Offence	29/09/2019
Date of FIR	07/12/2019
Date of Charge-sheet	25/12/2019
Date of Framing of Charges	04/09/2023
Date of Commencement of Evidence	08/04/2025
Date on which Judgment is reserved	N.A.
Date of the Judgment	08/04/2025
Date of the sentencing Order, if any	N.A.

Accused details:

Name of Accused	Date of arrest	Date of release on Bail	Offences charged with	Whether acquitted or convicted	Sentence imposed	Period of Detention Undergone during Trial for purpose of Section 428, Cr.P.C.
1. Chandan Singha 2. Krishna Prasad Singha 3. Smt. Kabita Singha 4. Narayan Chandra Singha	20/12/2019	20/12/2019	u/s. 498A of IPC & 4 D.P. Act	Acquitted	N.A.	N.A.

Form C

LIST OF PROSECUTION / DEFENCE / COURT WITNESSES

A. Prosecution:

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
PW 1	Nirupama Jana	Defacto complainant
PW 2	Radharani Jana	Other witness

B. Defence Witnesses, if any:

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
DW 1	N.A.	N.A.
DW 2	N.A.	N.A.

C. Court Witnesses, if any:

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
CW 1	N.A.	N.A.
CW 2	N.A.	N.A.

LIST OF PROSECUTION / DEFENCE / COURT EXHIBITS

A. Prosecution:

Sr. No.	Exhibit Number	Description
1	Exhibit P-1 (PW1)	Written Complaint
2	Exhibit P-1/1 series (PW1)	Signatures on the complaint

B. Defence:

Sr. No.	Exhibit Number	Description
1	Exhibit D-1/DW 1	N.A.
2	Exhibit D-2/DW 2	N.A.

C. Court Exhibits:

Sr. No.	Exhibit Number	Description
1	Exhibit C-1/CW 1	N.A.
2	Exhibit C-2/CW 2	N.A.

D. Material Objects:

Sr. No.	Exhibit Number	Description
1	MO 1	N.A.
2	MO 2	N.A.

J U D G M E N T

- (1) One Smt. Nirupama Jana Singha lodged a Written Complaint against Chandan Singha, Krishna Prasad Singha, Smt. Kabita Singha and Narayan Chandra Singha on the allegation that she was subjected to mental and physical torture by her husband and in-laws during her stay at the matrimonial house after her marriage with Chandan Singha as per Hindu rites and customs. At the time of marriage several nuptial gifts including gold ornaments, utensils and cash of Rs.25,000/- were given to the accused persons, her husband and other in-laws, as per their demand. After marriage, she went to her matrimonial house and lived with her husband. After few months of her marriage, her husband and in-laws continued torturing her by physical assault on demand of further dowry. She was not offered proper food and medication. Her father gave Rs.70,000/- to the husband of defacto complainant. Her parents tried to settle the matter amicably but their efforts went in vain. Finally, on 29-09-2019, she was driven out from her matrimonial house after physical and mental torture by her husband and in-laws keeping her all belongings. The matter was informed to police but police did not register any specific case. The defacto complainant took the recourse of law and with the direction of the Court, the present Mahishadal Police Station case no. 396/2019 dated 07-12-2019 was registered under section 498A/323/34 of the Indian Penal Code (hereinafter will be referred as 'IPC' for the sake of brevity of expression and convenience) and 4 DP Act.
- (2) The case was subsequently endorsed for investigation and on completion of the investigation, the charge-sheet vide

no. 372/19 dated 25-12-2019 under Section 498A/323/34 of the I.P.C & 4 DP Act against the accused persons.

(3) During trial, charge was framed against the accused persons and the substance of accusation under section 498A of the IPC & 4 DP Act. was read over and explained to the accused persons to which they pleaded '*not guilty*' and claimed to be tried.

(4) Prosecution adduced the oral evidence of the defacto complainant Nirupama Jana Singha as PW1 and Radharani Jana deposed as PW2. The Written Complainant is marked as **Exhibit – P1 (for PW1)** and the signature of the defacto complainant is marked as **Exhibit- P1/1 series (for PW1)** respectively.

(5) After completion of the oral evidence of the Prosecution, the accused persons were examined under section 313 of the Cr.P.C. They took the plea of innocence and declined to adduce defence witness. Thereafter, the evidence was closed and argument was heard.

(6) **POINTS FOR CONSIDERATION**

Considering the written charge, evidence and other materials on record following points are formulated for the proper adjudication of the case :

- 1. Is the accused persons guilty of offence punishable under section 498A of the IPC & 4 D.P. Act ?**
- 2. Has the prosecution been able to prove the charge against the accused beyond all reasonable doubts ?**

DECISION WITH REASONS

(7) All the points formulated here in above are taken up for the sake of convenience and brevity of discussion. It is a well

settled law that the accused shall be deemed to be innocent until their guilt is proved by the prosecution by cogent evidence. Since the prosecution has brought the charge sheet against the accused persons, it is the duty of the prosecution to prove the guilt of the accused persons beyond reasonable doubt.

(8) The defacto complainant Nirupama Jana Singha deposed as PW1. She identified the accused persons and stated that the incident had taken place out of misunderstanding. However, she remained silent about the fact of the case. She also stated that the matter had been resolved amicably and she had no grudge left against the accused persons. She was not interrogated by police. The defacto complainant's mother Radharani Jana deposed as PW2. She identified the accused persons and corroborated the version of the defacto complainant.

(9) After perusing the evidence of the prosecution witnesses, I found that there is contradiction in between the statement of the complainant in the FIR and the deposition of the prosecution witnesses. The matter has already resolved amicably and the witnesses are not willing to state anything about the incident. Considering the entire evidence on record, I am of the view that the prosecution has miserably failed to prove the guilt of the accused above named beyond reasonable doubt and as such the accused persons are entitled to get benefit of doubt.

Hence; it is,

ORDERED

that the accused persons Chandan Singha, Krishna Prasad Singha, Smt. Kabita Singha and Narayan Chandra Singha are found not guilty for offences punishable u/s

498A of Indian Penal Code & 4 DP Act and as such they are acquitted under Section 248(1) of the Cr.P.C.

All the accused persons are on Court bail. They may be discharged forthwith from their respective bail bonds and be set at liberty at once.

Accordingly, seized assets if any be disposed after the expiry of the appeal period.

Let the copy of Judgement be forwarded to the Secretary, DLSA, Purba Medinipur at once.

Note in the Trial Register.

(Dictated & Corrected by me);

A.C.J.M-2nd Court,
Haldia

(Quadira Sultana)
Addl. Chief Judicial Magistrate,
2nd Court, Haldia, Purba Medinipur.