

G.R CASE NO: 698 of 2023 (C.I.S Regn. No: G.R Case No.- 204/2024)

C.N.R No. WBND13-000352-2024

JO CODE: WB01126

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FORM No. (M) 34

Form A

<u>IN THE COURT OF THE ADDITIONAL CHIEF JUDICIAL MAGISTRATE, RANAGHAT, NADIA.</u> Present: Shri Soumyajit Bhattacharjee (W.B.J.S), A.C.J.M, Ranaghat, Nadia. J.O CODE:- WB01126 [Date of the Judgment: 08th Day of June, 2026 (Monday)] <u>Case No.</u> G.R Case No. 698 of 2023 <u>T.R No.</u> 355 of 2024 (<u>C.I.S Regn. No: G.R Case No: 204 of 2024</u>) (<u>C.N.R NO:WBND13-000352-2024</u>) (Details of FIR/Crime and Police Station: Santipur P.S Case no. 166/2023, Dt. 22-02-2023 U/Sec 498A/406/34 of the Indian Penal Code here-in-after referred to as “I.P.C”.)	
COMPLAINANT	STATE OF WEST BENGAL
REPRESENTED BY	Sri. Pradip Pramanik, Ld. A.P.P
ACCUSED	1. <u>Bipula Barman (A1)</u>, W/O Late Kalidas Barman, Resident of:- Nrisinghapur Bablabon, P.S- Santipur, Nadia. 2. <u>Basu Barman (A2)</u>, S/O Late Kalidas Barman, Resident of:- Do-. 3. <u>Bipul Barman (A3)</u>, S/O Late Kalidas Barman, Resident of:- Do-. 4. <u>Biplab Barman (A4)</u>, S/O Late Kalidas Barman, Resident of:-Do-.

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	5. <i>Sujan Barman</i> (A5), S/O Late Kalidas Barman, Resident of:-Do-.
REPRESENTED BY	Mr. P. Deb Sharma, Ld. Defence Counsel.

FORM No. (M) 35

Form B

Date of Offence	Since after the marriage of the defacto-complainant and on 07-02-2023
Date of FIR	22-02-2023
Date of Chargesheet	19-03-2023
Date of framing of Charges	05-06-2026
Date of Commencement of Evidence	05-06-2026
Date on which Judgment is reserved	DOES NOT ARISE
Date of the Judgment	08 th day of June, 2026.
Date of the Sentencing Order, if any	DOES NOT ARISE.

Accused Details

Rank of the Accused	Name of the 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
A1.	Bipula Barman	Not arrested; since surrendered before this Court.	27-02-2023; released on bail from this Court.	498A/406/34 of I.P.C.	Acquitted	N.A	NIL
A2.	Basu Barman	- Do-	- Do-	- Do-	- Do-	- Do-	- Do-
A3.	Bipul Barman	- Do-	- Do-	- Do-	- Do-	- Do-	- Do-
A4.	Biplab	- Do-	06-03-	- Do-	- Do-	- Do-	- Do-

	Barman		2023; released on bail from this Court.				
A5.	Sujan Barman	- Do-	- Do-	- Do-	- Do-	- Do-	- Do-

FORM No. (M) 36

Form C

LISTS OF PROSECUTION/ DEFENCE/ COURT WITNESSES

A. Prosecution

Rank	Name	Nature of Evidence (Eye-witness, police witness, expert witness, medical witness, panch witness, other witness)
P.W 1	Nayan Barman (Halder)	Defacto-Complainant- cum- victim.
P.W 2	Jasoda Barman	Mother of the Defacto- Complainant.

B. Defence:- No witness in support of defence has been produced.

C. Court:- No Court witness has been summoned.

LIST OF PROSECUTION EXHIBITS

A. Prosecution:-

Sr. No.	Exhibit No.	Description
1.	Exhibit P-1 (Collectively)/PW1	The Entire Court complaint along with the signatures of the complainant on the typed court complaint.

***B. Defence:- No document has been furnished on behalf of the
accused persons, in support of his defence.***

C. Court:- No documents has been marked as Exhibit by Court.

D. Material Object:- No material object has been produced as evidence.

J U D G M E N T

PROSECUTION CASE IN LACONIC:-

1. The factual matrix of the prosecution case is that one court complaint, subsequently treated as FIR was lodged by one Nayan Barman (Halder) to the effect that after her marriage with Biplab Barman (A-4) as per Hindu rites and customs, she was subjected to torture both physically and mentally by the accused persons over the issue of family matters and lastly on 07-02-2023 the accused persons driven out the defacto-complainant from her matrimonial house by assaulting her withholding her streedhan articles. On the basis of such written complaint, the instant criminal case has been initiated against the above-named accused persons. After completion of investigation, the I.O has submitted the Charge-sheet U/Sec 498A/406/34 of the I.P.C against the aforesaid accused persons and the instant case record was kept under the personal file of this Court for trial and disposal. Accordingly, the charge was framed against the above-named accused persons u/s- 498A/406/34 of I.P.C and the accused persons pleaded their innocence and claimed to be tried. Hence, this case has entered into trial.

Examination of the accused U/S- 313 of Cr.P.C

2. After completion of the prosecution evidences, the accused persons have been examined u/s-313 of the Code of Criminal Procedure (here-in-after referred to as “Cr.P.C”), wherefrom it appears that there is no specific defence case and they had pleaded their innocence and refused to adduce any evidence from their part.

3. P O I N T S F O R C O N S I D E R A T I O N

(a) Whether the prosecution has been able to prove its case against the above-named accused persons under Section- 498A/406/34 of I.P.C, beyond the shadow of all reasonable doubts ?

(b) If the accused persons are held guilty, then what would be the quantum of punishment in this case?

ARGUMENT MADE BY THE PROSECUTION

4. During the course of argument, Ld. A.P.P rests the case upon the wisdom and the sense of judgment of this Court.

ARGUMENT MADE BY THE Ld. DEFENCE COUNSEL

5. On the contrary, Ld. Defence Counsel during his argument highlighted that none of the prosecution witnesses have casted anything in this case wherefrom the offence under charge against the accused persons can be proved beyond all reasonable doubt. Lastly, Ld. Defence Counsel argued before this Court that the prosecution has miserably failed to prove its case for non-producing any convincing evidence against the accused persons and as such, Ld. Defence Counsel prayed for acquittal in favour of the accused persons from this case.

DECISION WITH REASONS

6. Since, both the points are so intricately interwoven with each other that to discuss each of them separately will entail repetition of similar facts and evidence, hence both the points are taken up together for the sake of brevity and convenience of discussion after juxtaposing them both in law and in fact so as to unravel them and also for delineation and analysis for coming to a reasonable culmination.

FINDINGS OF THIS COURT AFTER EVIDENCE SCANNING:-

7. During the process of scanning and analysing the evidence, **firstly**, it appears on record, that none of the ingredients of the alleged section under charge has been established by the prosecution evidence. **Secondly**, whatever evidence has come up before this Court that does not prove the guilt of the accused persons beyond the shadow of all reasonable doubt. **Thirdly**, the defacto-complainant who has set the criminal law into motion has failed to prove the contents of her complaint for which the entire court complaint has not been duly proved, which it is the fatal blow to the prosecution case. **Finally**, it is not out of place to mention here that no such facts have been established from the prosecution evidences which becomes consistent only with the guilt and inconsistent with innocence of the accused persons.

8. On the basis of above observations and findings, this Court has no hesitation to come to a definite conclusion that due to lack of substantial piece of evidence and in absence of the basic ingredients in order to constitute the alleged offences under charge, the guilt of the accused persons has not been proved beyond the shadow of all reasonable doubts and as such, the aforesaid accused persons deserve acquittal and hereby acquitted accordingly.

9. Hence, it is

ORDERED

that the accused persons namely **1. Bipula Barman (A1), 2. Basu Barman (A2), 3. Bipul Barman (A3), 4. Biplab Barman (A4) & 5. Sujan Barman (A5) are found not guilty** of the offence punishable under section– 498A/406/34 of I.P.C and accordingly, **the above-named accused persons are hereby acquitted** under section 248 (1) of Cr.P.C from this case.

10. In view of Sec. 437-A Cr.P.C. the accused persons having presented a petition to permit them to remain on the terms and conditions of the previous bail bonds, the prayer is allowed. They are permitted to remain on self same bond for the next six months with direction upon them to appear before the Appellate Court as and when any appeal is filed against this judgment within such period.

11. Seized articles, if any, be disposed off, as per law after the appeal period is over.

12. In compliance with the direction of the Hon'ble High Court in Sabitri Bhunya—Vs--The State of West Bengal and Others in CRA 266 of 2020 (decision on 29-03-2022), it is hereby endorsed by this Court that the victim has the right to prefer an appeal under proviso to Section 372 of Cr.P.C and if necessary, to avail free legal assistance through the legal services authorities concerned to prefer and prosecute such appeal.

13. Let a copy of this judgment of acquittal be forwarded to the District Magistrate, Nadia and District Legal Services Authority, Nadia for due intimation to the victim in compliance with the aforesaid direction of the Hon'ble High Court.

14. The Judgment is pronounced and delivered in the Open Court on this 08th day of June, 2026.

15. D/A is directed to upload the softcopy of this judgment in “C.I.S” at once, so as to enable the parties and the Ld. Counsels to access the same from the official website of e-Courts project and necessary noting be made in the relevant register accordingly.

Typed, printed & corrected by me,
Sd/- Soumyajit Bhattacharjee

Sd/- Soumyajit Bhattacharjee

A.C.J.M,
Ranaghat, Nadia.
JO CODE:WB01126

Additional Chief Judicial Magistrate,
Ranaghat, Nadia.
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