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Form A

IN THE COURT OF ADDITIONAL DISTRICT AND SESSIONS JUDGE, 2ND COURT, BANGAON, NORTH 24 PARGANAS	
Present :- Smt. Kumkum Singha (WB00712) Additional Sessions Judge, 2 nd Court, Bangaon, North 24 Parganas.	
[Date of the Judgement] 15.06.2026 [Case No. Bagdah P.S. Case No. 310 dated 28.04.2022]	
Details of FIR/Crime and Police Station	
Sessions Trial Case No. 16(01)2025 CNR-WBNP06-000468-2023 Sessions Case no. 61 of 2023 G.R. No. 1394 of 2022 Ref: Bagdah P.S Case No. 310 dated 28.04.2022 U/s. 498A/406/376/511/506/34 of IPC	
Complainant	STATE OF WEST BENGAL
REPRESENTED BY	P.P-in-charge– Smt. Purabi Sen
ACCUSED	1. Selim Mondal (A1) S/o Yunus Mondal of Village- Panchberia, P.S. Bagdah, District- North 24 Parganas. 2. Rehena Mondal (A2) W/o Unuch Mondal of Village- Panchberia, P.S. Bagdah, District- North 24 Parganas. 3. Unuch Mondal @ Eunus Ali Mondal (A3) S/o Late Alibox Mondal of Village-Panchberia, P.S. Bagdah, District-North 24 Parganas. 4. Habibur Dhabak (A4) S/o Ijjat Ali Dhabak of Village- Bansghata, P.S. Bagdah, District- North 24 Parganas.

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	5. Sumana Dhabak (A5) W/o Habibur Dhabak of Village- Bansghata, P.S. Bagdah, District- North 24 Parganas.
REPRESENTED BY	Mr. Joydeb Halder

Form B

Date of Offence	Since after marriage
Date of FIR	28.04.2022
Date of Charge sheet	25.08.2022
Date of Framing of Charges	21.01.2025
Date of commencement of Evidence	04.11.2025
Date on which Judgment is reserved	N/A
Date of the Judgment	15.06.2026
Date of Sentencing Order, if any	Nil

Accused details:

Rank of the Accused	Name of the Accused	Date of arrest	Date of R/B	Offences charged with	Whether acquitted or convicted	Sentence imposed	Period of Detention Undergone during Trial for purpose of Section 428, Cr.P.C
A1	Selim Mondal	Surrendered on 14.07.2022	28.07.2022	498A/406/506/34 of IPC	Acquitted	N/A	N/A
A2	Rehena Mondal	Surrendered	08.08.2022	498A/406/506/	Acquitted	N/A	N/A

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		d on 08.08. 2022		34 of IPC			
A3	Unuch Mondal @ Eunus Ali Mondal	Surrendere d on 08.08. 2022	08.08. 2022	498A/ 406/506/ 34 of IPC and 376/511 of IPC	Acquitt ed	N/A	N/A
A4	Habibur Dhabak	Surrendere d on 08.08. 2022	08.08. 2022	498A/ 406/506/ 34 of IPC	Acquitt ed	N/A	N/A
A5	Sumana Dhabak	Surrendere d on 08.08. 2022	08.08. 2022	498A/ 406/506/ 34 of IPC	Acquitt ed	N/A	N/A

Form C

LIST OF PROSECUTION / DEFENCE/ COURT WITNESSES

A. Prosecution:

RANK	NAME	NATURE OF EVIDENCE
PW 1	Victim Lady	De facto complainant
PW 2	Jabeda Mondal	Mother of the victim lady
PW 3	Yunus Mondal	Father of the de facto complainant
PW 4	Jiarul Mondal	Formal Witness
PW 5	Jalaluddin Biswas	Formal Witness
PW 6	Rejaul Mondal	Formal Witness
PW 7	Ibrahim Mondal	Formal Witness

B. Defence Witnesses, if any:

RANK	NAME	NATURE OF EVIDENCE
DW 1	Nil	Nil

C. Court Witnesses, if any:

RANK	NAME	NATURE OF EVIDENCE
CW 1	Nil	Nil

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LIST OF PROSECUTION / DEFENCE/ COURT EXHIBITS

A. Prosecution:

Sr. No.	Exhibit Number	Description
1	Exhibit-P1/PW1	Written Complaint
2	Exhibit-P2/PW1	Statement of the victim lady under Section 164 of Cr.P.C.

B. Defence:

Sr. No.	Exhibit Number	Description
1	Nil	Nil

C. Court Exhibits:

Sr. No.	Exhibit Number	Description
1	Nil	Nil

D. Material Objects:

Sr. No.	Material Object No.	Description
1	Nil	Nil

J U D G E M E N T

1. In this instant case the prosecution stands trial under Section 498A/406/506/34 IPC against all the accused persons and under Section 376/511 IPC against Habibur Dhabak separately.
2. The prosecution case in short is that the victim lady, the de facto complainant of this case got married with one of the accused Selim Mondal on 26.04.2012 and since her marriage she started residing at her matrimonial home at Panchberia, Bagdah, North 24 Parganas with her husband Selim and other in laws (accused persons). But she was subjected to physical and mental torture at her matrimonial home caused by those accused persons on demand of more dowry and they also took all the stridhan belonged to the victim lady and converted the same for their own use and also threatened her causing injury to her person not to

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make any complaint to anyone against their activity. Not only that on 17.04.2022 Habibur Dhabak the husband of her sister in law tried to commit rape on her and thus getting no other alternative she lodged the complaint before Bagdah P.S. on 28.04.2022. That complaint was duly registered and on that basis at Bagdah P.S. specific case was initiated under Section 498A/406/376/511/506/34 of IPC against FIR named accused persons.

3. Police investigated the case and submitted the charge sheet against five accused persons, namely, Selim Mondal, Rehena Mondal, Yunuch Mondal, Sumana Dhabak and Habibur Dhabak under Section 498A/406/506/376/511/34 of IPC.

4. The cognizance was taken by Ld. ACJM, Bangaon on 14.09.2022 and thereafter the instant case was committed and finally from Ld. ADJ, 1st Court, Bangaon the record has been transferred to this court which was received by this court on 19.04.2023.

5. All the accused persons named in the charge sheet were on bail and thus the charge was framed on 21.01.2025 where Ld. Court has been pleased to frame the charge under Section 498A/406/506/34 of IPC against all the accused persons and charge under Section 376/511 of IPC has been framed only against accused Habibur Dhabak.

6. Thereafter the case was set for evidence of prosecution and from the side of prosecution seven witnesses have been examined as specifically described in Form-C. Some documents are also exhibited as mentioned in specific format of Form-C in details.

7. The defence case is just the denial of prosecution case. After completion of evidence of prosecution witnesses the accused persons were examined under Section 313 Cr.P.C. but no DW has been adduced from their side.

Points for Determination

i) Whether the prosecution has been able to prove the case against

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the accused persons as alleged beyond reasonable doubt or not.

ii) Whether either of the accused persons is found guilty for commission of offence under Section 498A/406/506/34 of IPC jointly or separately or not.

iii) Whether accused Habibur Dhabak is found guilty under Section 376/511 of IPC or not.

Decision with reasons

8. In course of argument Ld. PP submitted that from the evidence of PW1 the victim lady Ld. Court will find that the complaint has been exhibited and from the substance of that complaint it has come out that the victim lady since her marriage was subjected to torture by her husband and in laws on demand of dowry. In the said complaint it has also mentioned that the stridhan properties of the victim lady were also misappropriated by these accused persons and she was subjected to threat to keep herself mum on different occasions. In the said complaint PW1 stated that she was subjected to attempt of rape by the husband of her sister in law. Moreover, in the 164 Cr.P.C. statement before the Ld. Magistrate which was marked as Ext.-P2/PW1 she categorically stated about the fact of torture upon her. Thus it can be said that the complaint made by the VG has been substantiated in her evidence and corroborated by the statement made before Ld. Magistrate. PW2 also stated about the fact of altercation happened at her matrimonial home of the VG. Likewise PW3 corroborated the same fact. So even the other witnesses did not say anything but Ld. Court can find that the fact of torture has been corroborated by the witnesses of prosecution. So in that score necessary order may be passed by the Ld. Court.

9. On the other hand, it is submitted by Ld. Defence counsel that except mentioning in the complaint and before Ld. Magistrate at the time of substantive evidence, VG neither disclosed the fact of torture on demand of dowry nor stated anything about the misappropriation of her

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stridhan or any incidence of attempt of rape as alleged. Thus it can be said that while the VG herself adduced evidence before Ld. Court it was the duty of the prosecution to bring all the facts in complaint in course of substantive evidence. Ld. Court will find that in examination in chief she only stated that during her stay at matrimonial home her husband used to inflict torture upon her in intoxicated condition and for that reason she lodged the complaint. So, she did not state anything adverse against other accused persons and there was no testimony from which Ld. Court can assert any element of Section 498A or 406 or 506 of IPC as well as of Section 376/511 of IPC. From her cross examination Para-6 Ld. Court will find that at the time of giving evidence before court she was living peacefully at her matrimonial home with her husband and in laws. Likewise PW2 & PW3 though stated about one incidence of altercation at the matrimonial home of the victim lady yet in their cross examination they admitted that their daughter then lived at her matrimonial home peacefully. So, it can be ascertained from the evidence of prosecution witnesses itself that may be there was some altercation in family life of the victim lady but that was not arising out of any dowry demand, physical and mental torture to that effect or any kind of criminal breach of trust regarding custody of the stridhan properties of the victim lady or any kind of incidence of attempt of rape. Thus from the evidence available it can be said there is no cogent evidence in support of prosecution case and thus accused must get the order of acquittal.

10. Considered the submission of both sides. The statement of witnesses are perused as well as the documents exhibited from the side of prosecution. On thorough scrutiny of the record I find that only at the time of examination in chief the complaint was marked as Exhibit but any portion of it has not been reproduced by the victim lady in her substantive evidence. Thus mere marking of complaint ipso facto does not prove the prosecution case. The 164 Cr.P.C. statement is not marked as exhibit, only the signatures of the complainant on the said statement

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has been marked. Thus the contention of that document cannot be admitted as corroborative testimony to the prosecution case. Only in course of substantive evidence PW1 stated about the fact of torture on her by her husband only in intoxicated condition. It has also found from that statement that he lodged the complaint on that ground. So, while the victim lady herself in course of evidence before court mentioned about the incidence not in consonance with the contention or substance of complaint it cannot be said that the matter would be disposed of on the basis of contention of complaint. I also find from the record that though three witnesses of prosecution (PW1, PW2 & PW3) stated about torture or altercation at the matrimonial home of the victim lady yet they admitted in cross examination about the peaceful stay of the victim lady at her matrimonial home with her husband and in laws while they came to depose before the court. In my opinion the fact on the basis of which the complaint was made was not established by prosecution beyond reasonable doubt and the charge framed against them are not at all established due to lack of proper evidence on record and thus in my considered view all the accused persons must get the benefit of doubt resulting to order of acquittal.

11. Hence, it is,

ORDERED

that the five accused persons, namely, **1. Selim Mondal, 2. Rehena Mondal, 3. Unuch Mondal @ Eunus Ali Mondal, 4. Habibur Dhabak and 5. Sumana Dhabak** are found not guilty for commission of the offence punishable u/s. **498A/406/506/34** of **IPC** and accused **Habibur Dhabk** is found not guilty for commission of offence punishable under Section **376/511** of IPC. They are acquitted from this case as per provision of Section 235(1) of the Cr.P.C. Sureties are also discharged from their bail bond liability.

The seized alamats, if any, should be disposed off after expiry of statutory period of appeal.

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Copy of the judgment is to be transmitted to the Ld. Secretary, DLSA, North 24 Parganas for information and communication to the de facto complainant of her right to prefer an appeal under Section 372 of Cr.P.C. and if necessary, to avail free legal assistance through the Legal Services Authorities to prefer and prosecute such appeal.

Let copy of judgment is to be supplied free of cost to the complainant.

Note in the CIS and Trial Register.

Dictated & corrected by me,

Additional Sessions Judge, 2nd Court,
Bongaon, North 24-Parganas.

Additional Sessions Judge, 2nd Court,
Bongaon, North 24-Parganas.
(WB00712)