

ST 08(09)2025

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] 02.06.2026	
[Case No. Gaighata P.S. Case No. 472/2025 dated 09.05.2025]	
Details of FIR/Crime and Police Station	
Sessions Trial Case No. 08(09)2025 CNR-WBNP06-001587-2025 Sessions Case no. 224 of 2025 G.R. No. 1482 of 2025 Ref: Gaighata P.S Case No. 472/2025 dated 09.05.2025 U/s. 70(1)/351(3) of BNS	
Complainant	STATE OF WEST BENGAL
REPRESENTED BY	P.P-in-charge– Sri Ashok Kumar Pramanick
ACCUSED	1. Tarun Gain (A1) S/o Sankar Gain of Village-Gazna, P.S. Gaighata, District-North 24 Parganas. 2. Avijit Paul (A2) S/o Late Ranjit Paul of Village- Gazna, P.S. Gaighata, District- North 24 Parganas. 3. Raja Saha (A3) S/o Goutam Saha of Village- Gazna, P.S. Gaighata, District- North 24 Parganas. 4. Tapabrata Dhali (A4) S/o Ashutosh Dhali of Village-Gazna, P.S. Gaighata, District-North 24 Parganas
REPRESENTED BY	Mr. Joydeb Halder

ST 08(09)2025

Form B

Date of Offence	06.05.2025
Date of FIR	09.05.2025
Date of Charge sheet	29.06.2025
Date of Framing of Charges	10.09.2025
Date of commencement of Evidence	13.01.2026
Date on which Judgment is reserved	N/A
Date of the Judgment	02.06.2026
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	Tarun Gain	10.05.2025	17.01.2026	70(1)/351(3) of BNS	Acquitted	N/A	N/A
A2	Avijit Paul	10.05.2025	17.01.2026	70(1)/351(3) of BNS	Acquitted	N/A	N/A
A3	Raja Saha	10.05.2025	17.01.2026	70(1)/351(3) of BNS	Acquitted	N/A	N/A
A4	Tapabrata Dhali	10.05.2025	17.01.2026	70(1)/351(3) of BNS	Acquitted	N/A	N/A

ST 08(09)2025

Form C

LIST OF PROSECUTION / DEFENCE/ COURT WITNESSES

A. Prosecution:

RANK	NAME	NATURE OF EVIDENCE
PW 1	Victim Lady	De facto complainant
PW 2	Raju Dey	Husband of the victim
PW 3	Mamata Sutradhar	Cousin of the victim
PW 4	Uttam Naha	Tendered by prosecution
PW 5	Mahananda Dhali	Formal Witness
PW 6	Dipankar Ghosh	Seizure witness
PW 7	Chandra Sekhar Sarkar	Seizure witness
PW 8	Santu Bala	Seizure witness
PW 9	Bishnu Dutta	Seizure witness
PW 10	Palash Ghosh	Seizure witness
PW 11	Thakur Sardar	Seizure witness
PW 12	Nirupan Shil	Seizure witness
PW 13	Biswajit Mondal	Seizure witness
PW 14	Saibal Kanti Mondal	Seizure 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

LIST OF PROSECUTION / DEFENCE/ COURT EXHIBITS

A. Prosecution:

Sr. No.	Exhibit Number	Description
1	Exhibit-P1/PW1	Written complaint
2	Exhibit-P2/1/PW1	Signature of victim lady on the separate form kept along with statement under Section 183 of BNSS
3	Exhibit-P3/1/PW1	Signature of victim lady on the seizure list

ST 08(09)2025

4	Exhibit-P3/2/PW2	Signature of Raju Dey on the seizure list
5	Exhibit-P4/1 collectively/ PW5	Three signatures of PW5 on the statement under Section 183 of BNSS
6	Exhibit-P5/1/PW6	Signature of PW6 on the seizure list dated 11.05.2025
7	Exhibit-P5/2/PW7	Signature of PW7 on the seizure list dated 11.05.2025
8	Exhibit-P6/1/PW8	Signature of PW8 on the seizure list dated 11.05.2025
9	Exhibit-P6/2/PW9	Signature of PW9 on the seizure list dated 11.05.2025
10	Exhibit-P7/1/PW10	Signature of PW10 on the seizure list dated 11.05.2025
11	Exhibit-P8/1/PW10	Signature of PW10 on the seizure list dated 14.05.2025
12	Exhibit-P9/1/PW11	Signature of PW11 on the seizure list dated 11.05.2025
13	Exhibit-P9/2/PW12	Signature of PW12 on the seizure list dated 11.05.2025
14	Exhibit-P10/1/PW13	Signature of PW13 on the seizure list dated 13.05.2025
15	Exhibit-P10/2/PW14	Signature of PW14 on the seizure list dated 13.05.2025

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
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ST 08(09)2025

1	Nil	Nil
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J U D G E M E N T

1. The prosecution case, in short, is that, on 06.05.2025 at about 08:00 p.m. while the victim lady was coming by riding cycle then the accused persons with common intention chased her and while she reached in a field at Tepul under P.S. Swarupnagar they committed rape on her and thereafter also threatened her with warning not to lodge any complaint before any authority regarding the said affair in default dire consequences. The complaint was lodged by the victim lady herself on 09.05.2025, three days after the said incidence at Gaighata P.S. and on receiving the said complaint specific P.S. Case No. Gaighata P.S. Case No. 472/2025 dated 09.05.2025 was initiated under Section 70(1)/351(3) of BNS. Police investigated the matter and one statement under Section 183 of BNSS was recorded by Ld. Magistrate, seizure was made and finally the charge sheet was submitted against all those four accused persons under Section 70(1)/351(3) of the BNS.
2. Cognizance was taken by Ld. ACJM, Bangaon and thereafter the said record was committed to the Ld. ADJ, 1st Court, Bangaon for trial and disposal. From that court the said record has been received by this court on 11.08.2025. Thereafter charge has been framed on 10.09.2025 under the two Sections as mentioned above against all four accused persons, namely, Tarun Gain, Avijit Paul, Raja Saha and Tapabrata Dhali. Then the case was set for evidence of prosecution.
3. From the side of prosecution as many as 14 witnesses have been examined as specifically mentioned in Part-C in details above.
4. From the side of prosecution few documents were exhibited as specifically mentioned in Form-C of part of this judgment.
6. The defence case remains the denial of prosecution case.
7. On consideration of the statement of prosecution witnesses and also the paper exhibits as no incriminating material has come out against

ST 08(09)2025

any of the accused persons from prosecution witnesses. So there is no scope of examination of the accused persons under Section 351 BNSS. and accordingly the matter is considered under Section 255 of BNSS.

8. The only issue remains whether the accused persons are found guilty or not for the offence committed under Section 70(1)/351(3) BNS or not.

Decision with reasons

9. From the document I find the victim lady herself was declared hostile as in course of her evidence though she identified the complaint yet in her substantive evidence disclosed the incidence totally differing from the substance of written complaint. In her evidence she stated that on that date while she was going to her elder uncle's house by riding a cycle suddenly one two wheeler came and pushed her from her back. As a result she became unconscious and with the help of local people she was rescued and thereafter recovered. In her examination in chief she also disclosed that the complaint was lodged as per instruction of lady police present at the P.S. She even denied her signature on the 183 of BNSS statement recorded by Ld. Magistrate. Her husband is examined as PW2 where he was also declared hostile. PW3 was also declared hostile. PW4 Uttam Naha was tendered by prosecution. One witness Mahananda Dhali stated in his evidence and also identified the statement recorded under Section 183 of BNSS. From that statement also I do not find any material from where I can assert that the lady was at all sexually abused by either of them. The other witnesses did not state anything to support the substance of FIR and thus I think though 14 witnesses have been examined by prosecution yet to ascertain the substance of complaint no substantive piece of evidence has come out against the accused persons and thus in my considered view the prosecution fails to bring any evidence supportive to its case and thus the accused persons must get the order of acquittal under Section 255 of BNSS.

10. Hence, it is,

ST 08(09)2025

ORDERED

that the four accused persons, namely, **Tarun Gain, Avijit Paul, Raja Saha and Tapabrata Dhali** are found not guilty for commission of the offence punishable u/s. **70(1)/351(2)** of **BNS**. They are acquitted from this case as per provision of Section 255 of the BNSS as no material found against either of the accused. They are released and set at liberty at once. Sureties are also discharged from their bail bond liability.

The seized alamats (Including motor cycle) should be disposed off/returned to its original owner as per BNSS after expiry of statutory period of appeal.

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 413 of BNSS 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)