

In Court of Additional Chief Judicial Magistrate,  
Bongaon, North 24 Parganas

Present:- Md. Tarik Ferdous,  
Additional Chief Judicial Magistrate,  
Bongaon, North 24 Parganas

G.R. case no.2807 of 2021 CIS No.329 of 2024

CNR WBNP 0700 0396 2024

(J.O. Code - WB01259 )

In the matter of

State

Prosecution

V/S

1. Dipali Das
2. Ashim Das
3. Purba Sarkar
4. Soumen Das
5. Biswajit Sarkar

.... .....Accused persons

(Gaighata PS case No.570/21 dated 03.07.2021 under Sections  
498A/323/307/406/506/120B/34 of IPC )

Date of Delivery of Judgment: 21<sup>st</sup> Day of April, 2026

JUDGMENT

Case of the prosecution as under :

It is the case of the prosecution that the informant got married with accused Soumen Das as per Hindu Rites and Customs and at the time of marriage sufficient dowry was paid to the accused persons according to their demands and after marriage she went to her matrimonial home and began her conjugal life. It is the further case of the prosecution that since after marriage she was subjected to physical and mental cruelty for the demand of additional dowry and when such demand was not fulfilled then she was assaulted physically and abused her with filthy languages and also was not provided proper food to her and on 15.11.2020 she was driven out from her matrimonial home.

Thereafter, the informant lodged complaint at Gaighata PS case No.570/21 dated 03.07.2021 under Sections 498A/323/307/406/506/120B/34 of IPC and I.O. of this case began investigation of this case.

Subsequently, after conducting investigation of the matter, examining the witnesses I.O. filed charge sheet being No.765/2021 dated 24.09.2021 under section 498A/406/34 of IPC . Subsequent to that on 30.12.2025 after considering the material available on record the contents of charge have been read over and explained to the accused persons to which they abjured the alleged guilt and claimed to be tried and accordingly, charge under section 498A/406/34 of IPC have been framed.

#### Evidence adduced

The prosecution has adduced only one witness in this case. The witness namely, Mousumi Das Tikadar has been examined as P.W.-1. No other witness has been examined by the prosecution on their behalf.

Subsequently after completion of the prosecution evidence, as per mandate of law the accused persons were examined under section 313 by putting the incriminating materials before them which transpired during trial. During the examinations under Section 313 of the Code of criminal Procedure, the accused persons claimed to be not guilty.

#### Point for determination

Whether the prosecution has proved beyond reasonable doubts that the accused persons have committed the offence under section 498A/406/34 of IPC ?

#### Decision with reason

In this case the informant has been examined as P.W.1 and she in her examination in chief stated that out of misunderstanding she lodged the case. She has also stated that she has no allegation or claim against the accused persons.

In her cross-examination she stated that she would not have any objection if the accused persons being acquitted from this case and also she is deposing out of her free will.

On consideration all the evidences of record, I do not find any incriminating materials against accused persons and in such situation the Court is left with no option but to acquit the accused persons from this case.

In view of the aforesaid findings, this Court of the view that the prosecution has failed to prove the guilt of the accused persons beyond reasonable doubt and as such the accused persons are liable to be acquitted from this case.

Hence, it is,

**ORDERED**

that the accused persons namely, 1. Dipali Das, 2. Ashim Das, 3. Purba Sarkar, 4. Soumen Das and 5. Biswajit Sarkar are adjudicated as 'not-guilty' and they are acquitted under section 248(1) of the Code of criminal procedure, 1973 from the charge under section 498A/406/34 of IPC .

The surety is/are also discharged.

Seized articles, if any which is not claimed by the parties, shall be destroyed after the expiration of the prescribe period of limitation for filing appeal.

Note in the concerned register and upload the same in the CIS.

D & C by me,

(Md. Tarik Ferdous)  
ACJM, Bongaon,  
North 24 Parganas

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ACJM, Bongaon,  
North 24 Parganas

Gr 2807/2021

21.04.2026

Today is fixed for examination of U/s 313 Cr.P.C , argument and judgment.

Accused persons are examined U/s 313 Cr.P.C in full and discharge and they had declined to adduce evidence on their behalf, in first half.

Later in second half.

Heard argument in full.

The judgement is ready .

Judgment is passed in the open court.

Copy of judgment is duly signed and sealed is kept with record.

Hence, it is,

ORDERED

that the accused persons namely, **1. Dipali Das, 2. Ashim Das, 3. Purba Sarkar, 4. Soumen Das and 5. Biswajit Sarkar** are adjudicated as 'not-guilty' and they are acquitted under section 248(1) of the Code of criminal procedure, 1973 from the charge under section **498A/406/34 of IPC .**

The surety is/are also discharged. Seized articles, if any which is not claimed by the parties, shall be destroyed after the expiration of the prescribe period of limitation for filing appeal.

Note in the concerned register and upload the same in the CIS.

D/C

A.C.J.M.

A.C.J.M. Bongaon,

North 24 Parganas