

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

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

G.R. case no.639 of 2025 CIS No.2761 of 2025

CNR no. WBNP 0700 7579 2025

(J.O. Code - WB01259)

In the matter of

State

Prosecution

V/S

1. Shuvo Ghosh

2. Kamal Kanti Ghosh

....Accused persons

(Bongaon PS case No.176/2025 dated 28.02.2025 under Sections
85/316(2)/3(5) of BNS & 3 /4 DP Act)

Date of Delivery of Judgment: 24th Day of March, 2026

JUDGMENT

Case of the prosecution as under :

It is the case of the prosecution that the informant got married with accused Shuvo Ghosh as per Hindu Rites and Customs and at the time of marriage sufficient dowry was given to the accused persons. Thereafter, the informant went to her matrimonial home and began her conjugal life. It is the further case of the prosecution that since after her marriage she was subjected to physical and mental cruelty for the demand of additional dowry and when such demand was not fulfilled she was driven out from her matrimonial home .

Thereafter, the informant lodged complaint at Bongaon PS case No.176/2025 dated 28.02.2025 under Sections 85/316(2)/3(5) of BNS & 3 /4 D.P. Act 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.203/2025 dated 18.03.2025** under section 85/316(2)/3(5) of BNS. Subsequent to that on 03.01.2026 after considering the material available on record the contents of charge have been read over and explained to the accused person Kamal Kanti Ghosh to which he abjured the alleged guilt and claimed to be tried and accordingly charged under section 85/316(2)/3(5) of BNS have been framed. Another accused Shuvo Ghosh died on 15.06.2025.

Evidence adduced

The prosecution has adduced only one witness in this case. The witness namely, Chumki Ghosh 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 person was examined under section 313 by putting the incriminating materials before him which transpired during trial. During the examinations under Section 313 of the Code of criminal Procedure, the accused person claimed to be not guilty.

Point for determination

Whether the prosecution has proved beyond reasonable doubts that the accused person has committed the offence under section 85/316(2)/3(5) of BNS ?

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 person.

In her cross-examination she stated that she would not have any objection if the accused person 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 person and in such situation the Court is left with no option but to acquit the accused person 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 person beyond reasonable doubt and as such the accused person is liable to be acquitted from this case.

Hence, it is,

ORDERED

that the accused person namely, **Kamal Kanti Ghosh** is adjudicated as 'not-guilty' and he is acquitted under section 248(1) of the Code of criminal procedure,1973 from the charge under section 85/316(2)/3(5) of BNS.

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

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

Gr 639/2025

Order dated 24.03.2026

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

Accused person is examined U/s 313 Cr.P.C in full and discharged and he had declined to adduce evidence on his 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 person namely, **Kamal Kanti Ghosh** is adjudicated as 'not-guilty' and he is acquitted under section 248(1) of the Code of criminal procedure,1973 from the charge under section 85/316(2)/3(5) of BNS.

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