

Form A
IN THE COURT OF ADDITIONAL CHIEF JUDICIAL MAGISTRATE, BARRACKPORE
Present : Manika Chatterjee Nee Saha, [JO Code WB 01065] Additional Chief Judicial Magistrate, Barrackpore, 24- Parganas (North).
Date of the Judgment : 09.03.2026
GR Case No.8375 of 2020 T.R. No.126 of 2024
CNR No.WBNP150031732020
C.I.S No.8375 of 2020

(Details of FIR/Crime and Police Station) Bizpore P.S. Case No.539 of 2020 dated 29.12.2020	
Complainant	State of West Bengal
REPRESENTED BY	Sri Jadhunath Ghosh
ACCUSED	Arka Dutta
REPRESENTED BY	

Form B		
Date of Offence	:	Continuing offence on and from the date of marriage between the complainant and the accused, Sri Arka Dutta
Date of FIR	:	29.12.2020
Date of Charge Sheet	:	31.12.2022
Date of Framing of charge	:	08.07.2024
Date of commencement of Evidence	:	24.10.2024
The date on which judgment is reserved	:	09.03.2026
Date of Judgment	:	09.03.2026
Date of sentencing order, if any	:	Acquitted

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Accused Details:

The 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	Arka Dutta	20.12.2022	Obtained bail on 20.12.2022	U/s. 498A/307/34 IPC	Acquitted	N.A	N.A

Form C

List of Prosecution /Defence/ Court Witnesses

A. Prosecution :

Rank	Name	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
PW1	Smt. Sukanya Raj	Defacto Complainant

B. Defence Witness, if any :

Rank	Name	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
DW	NIL	

C. Court Witness, if any :

Rank	Name	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
CW	NIL	

List of Prosecution/Defence/Court Exhibits

A. Prosecution :

Sr. No	Exhibit Number	Description
1	P1/PW1	Written complaint of the complainant

B. Defence :

Sr. No	Exhibit Number	Description
NIL	NIL	NIL

C. Court Exhibit :

Sr. No	Exhibit Number	Description
NIL	NIL	NIL

D. Material Objects :

Sr. No	Exhibit Number	Description
NIL	NIL	NIL

JUDGMENT

Prosecution case:

1. The instant case was filed under sections 498A/307/34 of the Indian Penal Code. This case was initiated based on the written complaint lodged by the complainant, Smt. Sukanya Raj, wife of Sri Arka Dutta.

2. The brief fact of the case as alleged by the complainant in her written complaint is that the complainant is a doctor by profession and she got married to the accused, Arka Dutta on 10.10.2016 and the said marriage was registered on 19.06.2017. After marriage the accused tortured the complainant physically and mentally. The complainant posted at Medical College & Hospital and the accused was posted at Godhenpara, BPHC, Ramnagar, Murshidabad. During off duties the complainant used to stay at the place of the accused when he tortured the complainant regularly. The accused has extramarital relationship with another woman. One male child was born out of their wedlock. After the birth of their child the accused continuing his torture upon the complainant. On 3rd week of November, 2020 the accused persons suddenly attacked the complainant at evening at her college premises and threatened the complainant not to take further legal steps against him otherwise the complainant will be killed. The accused was passing his message through his brother Ankan and his driver.

3. The police after investigation filed charge sheet against the accused namely, Arka Dutta u/s. 498A Indian Penal Code.

4. Thereafter, on perusal of the entire materials, the substance of the accusation was read over and explained to the accused person namely, Arka Dutta to which he pleaded 'Not Guilty' and claimed to be tried. Hence this trial.

5. The trial was held, and the witnesses were examined by the prosecution in support of its case. Thereafter, the examination of accused person u/s. 313 Code of Criminal Procedure is held and the accused person during such examination stated that he is innocent and he did not want to depose any witness in his favour. Hence, DW is closed and the record is taken up for argument and judgment.

Points for Consideration:

6. Is the accused person guilty of the offence punishable under Sections 498A of the Indian Penal Code?

Decision With Reasons:

7. Now, I have to analyze, assess and take into account the total evidence and materials on record to decide the case properly.

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8. Ld. A.P.P during the argument submitted that the case of the prosecution has not been proved. Ld. APP fairly submits that the guilt of the accused has not been proved at all and it is clear from the evidence of witnesses that due to misconception the case was filed.

9. Ld. Counsel appearing for the accused person had an advanced argument in support of the acquittal of the accused person from the alleged charge. It is submitted that the case against the accused person is false and fabricated and the accused person has been implicated falsely. According to the Learned Counsel, the accused person is entitled to be acquitted of the alleged pleas.

10. On perusal of the evidence on record, I find that the defacto complainant has been examined in this case.

11. PW-1, Smt. Sukanya Raj i.e. defacto complainant stated during her examination-in-Chief that "I was married to Arka Dutt. On 19.06.2017 we had social marriage. Registratin of marriage was on 10.12.2016. I filed this case against Arka Dutta. He is present today (identified). After marriage we were residing in different place for our profession. After one or two months of our marriage, I noticed behavioural changes in Arka. When I asked, I found that he is having relations with many other girls. Our relation started to deteriorate. Sometimes when I used to visit my in-laws at Burdwan, their behaviour was also not good towards me. I became pregnant in the month of December, 2017 with detection of 6 weeks pregnancy. My pregnancy was complicated one and I was ill. Then during 1st term of pregnancy, Arka took me to his place at Berhampur for one week. He started to torture me there. He in inebriated condition tortured me and was unhappy with my pregnancy. He used to assault me. Thereafter,. I returned to my father's house. After reconciliation again I went to Berhampur in 2nd trimester but could only stay for one month as he tortured me severally."

During her further examination she also stated that "I cannot recollect anything about the incident. I lodged complaint before I.C., Bizpore P.S. This is such complaint written by me and signed by me. Let it be marked as P-1/PW1. There is no other witness of the incident."

During her cross-examination she stated that “I have no allegation against the accused. The dispute has been settled between us. I do not want to proceed with this case.”

12. So from the examination of PW1 it will appear that she lodged this case against her husband. At the time of deposition PW1 stated that she cannot recollect anything about the

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incident. During her cross examination she also stated that she has no allegation against the accused. The dispute has been settled between them and she does not want to proceed with this case.

13. No other witnesses has been examined from the side of the prosecution. On minute comparison between the evidence on record and the written complaint, it would transpire that there is vast dissimilitude between the initial version of the prosecution made in the written complaint and the evidence given during the trial.

14. From the evidence of the witness, nothing has transpired which can prove the prosecution case. The evidence of the prosecution was closed on the prayer of the Learned Asst. Public Prosecutor and as such it can well be construed and said that despite being given the opportunity and scope to prove its case the prosecution has failed to bring home the plea against the accused person. I find no incriminating materials against the accused person for which the accused person can be convicted under sections 498A of Indian Penal Code. I, therefore, hold that the essential ingredients to convict the accused persons with the offence are punishable under sections 498A of Indian Penal Code are very much absent in the present case. Resultantly the accused person is entitled to be acquitted of the pleas so framed against them under sections 498A of Indian Penal Code.

15. All the points are thus answered in the negative.

16. As a result prosecution case fails and the accused persons merit acquittal.

Hence,

ORDERED

The accused person namely, Arka Dutta is found not guilty of the charge so framed against him under sections 498A of Indian Penal Code and he is acquitted under section 248(1) of the Cr. P.C.

The judgment is delivered in open Court. Let necessary noting be made in the register.

Let the soft copy of the judgment be uploaded in the CIS within 48 hours from this day as per Rule 186 A of the Cr. R.O of the Honourable High Court, Calcutta.

Let a copy of this judgment be forwarded to the District Magistrate, North 24 Parganas, DLSA, North 24 Parganas for due intimation to the victim as defined under section 2(a) of the Code of Criminal Procedure.

Manika Chatterjee Nee Saha,
Additional Chief Judicial Magistrate,
arrackpore, North 24 Parganas

GR No.8375 of 2020

Order dated : 09.03.2025

Today fixed for evidence.

Accused person is on bail and is present by filing his hazira.

Learned Advocate on behalf of the accused is present before this Court.

Ld. APP is present.

Defacto complaint is present with her identity proof and further he deposed as PW1 and cross-examination.

Prosecution witness is closed.

The examination of accused persons u/s. 313 Code of Criminal Procedure is dispensed with as there is no incriminating evidence against the accused in record.

The record is taken up for argument and judgment.

Argument heard in full.

The record is taken up for passing judgment.

Hence,

ORDERED

The accused person namely, Arka Dutta is found not guilty of the charge so framed against him under sections 498A of Indian Penal Code and he is acquitted under section 248(1) of the Cr. P.C.

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arrackpore, North 24 Parganas