

Form No. (M)34

FORM A

DISTRICT: NORTH 24 PARGANAS

IN THE THIRD COURT OF THE JUDICIAL MAGISTRATE AT BARRACKPORE



Present: Sri Rahul Bhattacharjee  
 Judicial Magistrate 3rd Court  
 Barrackpore, North 24 Pgs. [i/c]  
 JO Code: WB01436

**GR CASE NO. – 10695/2021**  
**CNR NO. – WBNP150039502021**

DETAILS OF OFFENCE / CRIME &amp; PS

**Arising out of Khardaha PS case no. 805/2021**  
**dated 04.12.2021 u/s 498A IPC**

DATE OF JUDGMENT

**Wednesday, April 01, 2026**

NAME(S) OF

COMPLAINANT State of West Bengal  
 REPRESENTED BY Tathagata Sinha Roy , Ld. Asst. Public Prosecutor

ACCUSED Palash Ghosh & 3 Ors.  
 REPRESENTED BY Mrityunjy Das , Ld. Advocate

Form No. (M)35

FORM B

CASE HISTORY

Date of OFFENCE/ CRIME	Since marriage
Date of filing FIR	04.12.2021
Date of filing CHARGESHEET	28.02.2022
Date of FRAMING CHARGE	01.04.2026
Date of commencement of EVIDENCE	01.04.2026
Date on which Judgment is RESERVED	-
Date of JUDGMENT	01.04.2026
Date of SENTENCE	-

DETAILS OF ACCUSED

Rank of Accused	Name of Accused	Date of Arrest /Surrender	Date of Release on Bail	Offences Charged With	Whether Convicted or Acquitted	Sentence Imposed	Period of Detention Undergone During Trial (For The Purpose Of S. 428 Crpc)
1	Palash Ghosh	14.12.2021	14.12.2021	498A IPC	Acquitted	-	X
2	Papiya Ghosh	14.12.2021	14.12.2021		Acquitted	-	X
3	Paresh Ghosh	14.12.2021	14.12.2021		Acquitted	-	X
4	Bijoli Ghosh	14.12.2021	14.12.2021		Acquitted	-	X

Form No. (M)36

FORM C

LIST OF PROSECUTION / DEFENSE / COURT WITNESSES

A. PROSECUTION WITNESSES

Rank of witness	Name of the witness	Nature of evidence (eye witness / police / expert / medical / panch witness / other)
1	Mousumi Ghosh (Saha)	CSW1 / defacto complainant / purported victim

B. DEFENSE WITNESSES

Rank of witness	Name of the witness	Nature of evidence (eye witness / police / expert / medical / panch witness / other)
X		

C. COURT WITNESSES

Rank of witness	Name of the witness	Nature of evidence (eye witness / police / expert / medical / panch witness / other)
X		

A. PROSECUTION EXHIBITS

LIST OF PROSECUTION / DEFENSE / COURT EXHIBITS / MATERIAL OBJECTS

Serial no.	Exhibit number	Description
1	P1/PW1	Signature on Written Complaint

B. DEFENSE EXHIBITS

Serial no.	Exhibit number	Description
X		

C. COURT EXHIBITS

Serial no.	Exhibit number	Description
X		

D. MATERIAL OBJECTS

Serial no.	Material object number	Description
X		

**1. FACTS OF THE CASE IN BRIEF:**

- 1.1 This is a case under section 498A of Indian Penal Code, 1860.
- 1.2 The fact of the prosecution case is that the de-facto complainant namely Mousumi Ghosh (Saha) filed a written complaint before the Khardaha Police Station alleging inter-alia that since her marriage with her husband, the four accused namely Palash Ghosh, Papiya Ghosh, Paresh Ghosh and Bijoli Ghosh being her husband and in-law(s) subjected her to mental and physical abuse on several instances and caused her unbearable mental pain and agony. Based on the aforesaid complaint, police started Case No. 805/2021 dated 04.12.2021.
- 1.3 After investigation police submitted charge sheet under section 498A/406/34 of Indian Penal Code, 1860 and accordingly cognizance was taken against the four accused namely Palash Ghosh, Papiya Ghosh, Paresh Ghosh and Bijoli Ghosh. Thereafter, the case was transferred to this Court for disposal.
- 1.4 Charge was drawn up on 01.04.2026 under section 498A of the Indian Penal Code, 1860 against the four accused namely Palash Ghosh, Papiya Ghosh, Paresh Ghosh and Bijoli Ghosh and was read over and explained to the accused and when asked as to whether or not guilty, the accused pleaded not guilty by saying '*ami nirdosh*' in bangla.
- 1.5 Accordingly, the trial commenced.

**2. EVIDENCE:**

- 2.1 The purported victim CSW1, took the dock as PW1. In her evidence she stated that the case was filed by her in the heat of the moment. There was allegedly a minor misunderstanding at her matrimonial home with her husband and in-law(s) which was later settled amicably between them. At present the complainant had no accusation to make against the accused. She did not testify against the accused. Considering the above evidence, the prosecution prayed for closure of evidence.
- 2.2 The Court was pleased to close the prosecution evidence on the prayer of the Ld. Asst. Public Prosecutor appearing for the State of West Bengal. Accordingly, the record was taken up for examination of the accused under section 313 of the Code of Criminal Procedure, 1973.
- 2.3 The four accused namely Palash Ghosh, Papiya Ghosh, Paresh Ghosh and Bijoli Ghosh were examined under section 313 of the Code of Criminal Procedure, 1973. The accused claimed the prosecution case as false and fabricated and declined to provide any evidence on the part of the defense and accordingly, the argument was heard for both sides.
- 2.4 Thereafter, the case was taken up for passing judgment.

**3. POINTS FOR CONSIDERATION:**

- 3.1. Whether accused has/ve committed any offence u/s 498A IPC?
- 3.2. Whether the accused is/are liable to be convicted or acquitted?

**4. DECISION WITH REASONS:**

- 4.1. On cursory perusal of the relevant materials on record, it is seen that this case proceeds against the four accused namely Palash Ghosh, Papiya Ghosh, Paresh Ghosh and Bijoli Ghosh on the accusation of having committed offences punishable under section 498A of the Indian Penal Code, 1860.
- 4.2. The defacto complainant as well as purported victim came up on the dock and stated that this case was filed in the heat of the moment against the accused over a minor misunderstanding which was later resolved amicably between them and that at present there is no complaint against the accused. Considering the aforesaid evidence on record, the prosecution finding no matter worth of prolongation of trial, prayed for closure of evidence.
- 4.3. In view of the above discussion, it transpires that the prosecution has failed in its duty to bring before the Court even one scrap of credible evidence which can connect the accused with the offence alleged and the date, time and place of occurrence. The evidence on record seems to negate the prosecution story into a baseless allegation which failed to see the light of the day when subjected to trial. The gamut of documents that make up the prosecution case accordingly turns into papers containing unfounded and unsubstantiated allegations.
- 4.4. It needs to be told at this juncture that the criminal jurisprudence in our country holds an accused innocent until proven guilty and also necessitates that the prosecution proves its allegations by actionable evidence beyond all reasonable doubt. The evidence on record has fallen grossly short of discharging the said burden. Unsubstantiated allegations would naturally fail in front of the constitutional right of the accused to be presumed innocent until proven guilty. The glaring inconsistencies between the evidence and the prosecution story results in failure of the prosecution case.
- 4.5. It also needs to be stated here that it is not only the victim who demands justice; prolonged incarceration on unfounded and unsubstantiated charges often leaves an accused as a victim of the system of dispensation of justice. In such circumstances, the call of justice would cry equally for the victim as well as the accused and in case the allegations of commission of offence fails to be proved despite sufficient opportunity, require the accused to be set free.

4.6. In view of the above discussion, the prosecution having miserably failed to prove the commission of the alleged offence by the accused, this Court holds the accused “NOT GUILTY” of the above offence(s) which paves the path for acquittal of the accused.

Hence, it is

**ORDERED**

that, the four accused namely Palash Ghosh, Papiya Ghosh, Paresh Ghosh and Bijoli Ghosh are **acquitted** from all offences in GR Case being no. 10695/2021 under Section 248(1) of the Code of Criminal Procedure, 1973 this day.

The victim/complainant be educated of the right to prefer an appeal against this order of acquittal and further, of the entitlement to free legal aid for the same. A copy of this order be urgently and invariably sent to (1) the District Magistrate, North 24 Parganas and (2) the Secretary, District Legal Services Authority, North 24 Parganas for information and necessary action.

Bail Bond(s) is/are discharged. Surety/ies (if any) is/are released.

Note in the relevant register(s).

Typed and Checked by me.

---

Rahul Bhattacharjee, WBSJ  
Judicial Magistrate 3rd Court  
Barrackpore, North 24 Pgs. [i/c]  
JO Code: WB01436  
01.04.2026

---

Rahul Bhattacharjee, WBSJ  
Judicial Magistrate 3rd Court  
Barrackpore, North 24 Pgs. [i/c]  
JO Code: WB01436  
01.04.2026