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| 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 : 19.03.2026 |
| GR Case No.2624 of 2018 (7107 of 2018) T.R. No.354 of 2018 |
| CNR No.WBNP150052802018 |
| C.I.S No.2624 of 2018 |

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| (Details of FIR/Crime and Police Station) Bizpore P.S. Case No.199 of 2018 dated 21.03.2018 | |
| Complainant | State of West Bengal |
| REPRESENTED BY | Sri Jadunath Ghosh |
| ACCUSED | Gopal Chakraborty, Shipra Bhattacharya, Rasmani Chakraborty, Asit Chakraborty and Malesree Chakraborty |
| REPRESENTED BY | |

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| Form B | | |
| Date of Offence | : | Continuing offence on and from the date of marriage between the complainant and the accused, Sri Gopal Chakraborty |
| Date of FIR | : | 21.03.2018 |
| Date of Charge Sheet | : | 30.04.2018 |
| Date of Framing of charge | : | 21.11.2019 |
| Date of commencement of Evidence | : | 21.02.2020 |
| The date on which judgment is reserved | : | 19.03.2026 |
| Date of Judgment | : | 19.03.2026 |
| Date of sentencing order, if any | : | Acquitted |

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 to A4 | Gopal Chakraborty, Shipra Bhattacharya, Rasmani Chakraborty, Asit Chakraborty and Malesree Chakraborty | N.A. | Obtained bail on 26.03.2018 (On surrender) | U/s. 498A/406/34 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) |
|------|---------------------------|---|
| PW 1 | Smt. Shraboni Chakraborty | 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. | 01 | Signature on the written complaint of the complainant |
| 2. | 02 | Carbon copy of seizure list |
| 3. | 03 | Signature of complainant on zimmanama |

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/406/34 of the Indian Penal Code. This case was initiated based on the written complaint lodged by the complainant, Smt. Shraboni Chakraborty, wife of Sri Gopal Chakraborty.
2. The brief fact of the case as alleged by the complainant in her written complaint is that on 22.05.2017 the marriage was solemnized between the complainant and the accused, Gopal Chakraborty. At the time of marriage various stridhan articles were given by the parents of the complainant as per their capacity. But accused were not satisfied with the said stridhan articles. On the day of 'Fulsajja' the accused persons insulted the complainant and slapped her. The accused persons used to hurl filthy languages towards the complainant. The husband of the complainant did not provide any maintenance towards the complainant and when the complainant demanded money for her maintenance, he beat her and sent to her father's house. Other accused persons also instigated the husband of the complainant and they also threatened the complainant to take money from her parental house. In the meantime the complainant became pregnant and the accused persons called the parents of the complainant and threatened them to bear all her expenses. On 06.03.2018 the complainant came to the house of her matrimonial home but all the accused persons tortured her mentally and pushed her and also driven out from her matrimonial home. The complainant fell ill and the pregnancy was ended prematurely.
3. The police after investigation filed charge sheet against the accused namely, Baladeb Chakraborty, Gopal Chakraborty, Shipra Bhattacharya, Rasmani Chakraborty, Asit Chakraborty, Priyotosh Bhattttacharjee and Malesree Chakraborty u/s. 498A/406/34 Indian Penal Code. But after submission of charge sheet accused namely, Baladeb Chakraborty died and was filed for ever.
4. Thereafter, on perusal of the entire materials, the substance of the accusation was read over and explained to the accused persons namely, Gopal Chakraborty, Shipra Bhattacharya, Rasmani Chakraborty, Asit Chakraborty, Priyotosh Bhattttacharjee and Malesree Chakraborty to which they 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 persons u/s. 313 Code of Criminal

Procedure is held and the accused persons during such examination stated that they are

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innocent and they did not want to depose any witness in their favour. Hence, DW is closed and the record is taken up for argument and judgment.

Points for Consideration:

6. Is the accused persons guilty of the offence punishable under Sections 498A/406/34 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.

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 persons had an advanced argument in support of the acquittal of the accused persons from the alleged charge. It is submitted that the case against the accused persons is false and fabricated and the accused persons has been implicated falsely. According to the Learned Counsel, the accused persons are 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. P.W.-1, Smt. Shraboni Chakraborty i.e. the defacto complainant stated during her examination in chief that, "I am the complainant of this case. I had filed this case against my husband Gopal Chakraborty, Asit Chakraborty (brother-in-law), Baladeb Chakraborty (father-in-law), Rash Moni Chakraborty (mother-in-law), Molesree Chakraborty (Ja), Priyatosh Bhattacharjee (Nandai), Shipra Bhattacharjee (Nanad). My marriage took place on 22.05.2017 with Gopal Chakraborty. At the time of my marriage, my father gave me gold ornaments and furniture. After marriage, I went to my matrimonial house. During stay at my matrimonial house, my husband Gopal Chakraborty used to inflict physical and mental torture upon me and other accused persons used to assist and instigate my husband for doing the same. After 2-3 months of my marriage, I became pregnant but the physical

torture upon me by my husband did not stop and it continued. Subsequently, on 06.03.2018 my husband along with his family members once again assaulted me and drove me out from my matrimonial house and at that time my stridhan articles were not given to me by the accused persons. Thereafter, I was forced to take shelter to my father's

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house. I had caused medical treatment in respect of assault inflicted upon me. I had got medical treatment at Lahiri Nursing Home, Naihati. In view of such incident, I had made a complaint before the Bizpore P.S. which was typed in Bengali and I read over the contents of my complaint and after understanding its contents, I put my signature on it. This is my complaint bearing my signature marked as Exbt. 1. During investigation, the I.O. of this case seized my stridhan articles from my matrimonial house and the same were given to me on Zimmanama.”

During her further examination-in-chief she further stated That “Signature in seizure list dated 22.04.2018 is of mine. Carbon copy of seizure list produced. Let it be marked as Ext. 2. I got back those seized articles. There is signature of mine in zimmanama dated 22.04.2018. let it be marked as Ext. - 3.”

During her cross-examination she stated that “The dispute has been settled between us. I have no allegation against accused. Due to misunderstanding, I lodged this case. I am deposing voluntarily.”

12. It appears from evidence from PW1 that she deposed that after her marriage her husband i.e. the accused, Gopal Chakraborty used to inflict torture upon the complainant physically and mentally and other accused used to assist and instigate him. Even after she conceived, the torture continued. On 06.03.2018 the accused persons assaulted her and drove her out from her matrimonial home and her stridhan articles were not returned. She was forced to take shelter at her father's house and she undergone medical treatment for assault inflicted upon her. The complaint marked as Exhibit – 1 from the side of the prosecution and the signature in the seizure list dated 22.04.2018 marked as Exhibit – 2 and thereafter, the zimmanama dated 22.04.2018 with the signature of the defacto complainant marked as Exhibit – 3.

13. Thus from the evidence of PW1 during examination-in-chief, it is appearing that the complainant is stating about physical and mental torture upon her. For any offence under Section 498A IPC the cruelty should be of such nature that is likely to drive the woman to commit suicide or to cause grave injury or danger to life, limb or health or harassment with view to coerce her or any person related to her to meet any unlawful

demand for any property or valuable security or on account of failure to provide the same. But in the present case no medical documents or any other witness or evidence produced from the side of the prosecution to prove that there was cruelty to a nature to drive the defacto complainant to commit suicide or to cause grave injury or danger to life, limb or health.

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14. Further there was no demand of any kind from the side of the accused persons. During cross-examination the defacto complainant stated that the dispute has been settled between them and she has no allegation against the accused. Due to misunderstanding she lodged this case and she was deposing voluntarily.

15. So from the examination of PW1 i.e de-facto complainant, it will appear that she has no allegation against accused. Further the evidence of PW1 is also not adequate to come to conclusion that the accused persons have committed an offence under Section 498A/406/34 of IPC.

16. 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.

17. The allegations against the accused persons, as stated by the prime witness, are very omnibus. The case of the prosecution lacks substance on the want of specification. No, positive evidence is thereon recorded whereby it can be said that the prosecution has been able to bring home the plea against the accused persons. There is an utter failure on the part of the prosecution to entangle the accused persons against the charges so framed. All these, make the prosecution case weak. The written complaint, the initial version of the prosecution and the evidence so adduced on the dock stand poles apart.

18. 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 persons. I find no incriminating materials against the accused persons for which the accused persons can be convicted under sections 498A/406/34 of Indian Penal Code. I, therefore, hold that the essential ingredients to convict the accused persons with the offence are punishable under sections 498A/406/34 of Indian Penal Code are very much absent in the present case. Resultantly the accused persons are

entitled to be acquitted of the pleas so framed against them under sections 498A/406/34 of Indian Penal Code.

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

20. As a result prosecution case fails and the accused persons merit acquittal. After examination of accused under section 313 of Cr.P.C accused namely, Priyotosh Bhattecherjee died and was filed for ever.

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Hence,

ORDERED

The accused persons namely, Gopal Chakraborty, Shipra Bhattacharya, Rasmani Chakraborty, Asit Chakraborty and Malesree Chakraborty are found not guilty of the charge so framed against them under sections 498A/406/34 of Indian Penal Code and they are 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,
Barrackpore, North 24 Parganas

GR No.2624 of 2018 (7107 of 2018)

Order dated : 19.03.2026

Today is fixed for argument and judgment.

Five accused persons are on bail and are present by filing their haziras.

Learned Advocate on behalf of the accused is present before this Court and filed original death certificate along with photocopy of the same of accused, Priyatosh Bhattacharjee.

Perused the original death certificate of accused, Priyatosh Bhattacharjee (Nandai) and returned the same after proper verification and keeping photocopy of the same.

Accordingly, the accused, Priyatosh Bhattacharjee (Nandai) filed forever.

Let the photocopy of the death certificate of accused, Priyatosh Bhattacharjee (Nandai) is kept in record.

Ld. APP is present.

Argument heard in full.

The record is taken up for passing judgment.

Hence,

ORDERED

The accused persons namely, Gopal Chakraborty, Shipra Bhattacharya, Rasmani Chakraborty, Asit Chakraborty and Malesree Chakraborty are found not guilty of the charge so framed against them under sections 498A/406/34 of Indian Penal Code and they are 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.

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