

Form No. (M) 34

FORM A

DISTRICT: NORTH 24 PARGANAS

IN THE FIRST COURT OF THE JUDICIAL MAGISTRATE AT BARRACKPORE, NORTH 24 PARGANAS



Present: Sri Rahul Bhattacharjee, WBJS,
Judicial Magistrate 1st Court,
Barrackpore, North 24 Parganas.
JO Code: WB01436

GR CASE NO. -560/2022

CNR NO. -WBNP150063642022

DETAILS OF OFFENCE / CRIME & PS

Arising out of Dumdum PS Case No. 37/2022
dated 17.01.2022 u/s. 498A/406 IPC

DATE OF JUDGMENT

Tuesday, 23 June, 2026

NAME(S) OF

COMPLAINANTState of West Bengal

REPRESENTED BYReshmi Aich, Ld. Asst. Public Prosecutor

ACCUSED Babu Kundu

REPRESENTED BYTania Ghosh, Ld. Advocate(s)

Form No. (M) 35

FORM B

CASE HISTORY

Date of OFFENCE / CRIMEsince marriage

Date of filing FIR17.01.2022

Date of filing CHARGESHEET30.06.2022

Date of FRAMING CHARGE13.05.2025

Date of commencement of EVIDENCE22.06.2026

Date on which JUDGMENT is RESERVED-

Date of JUDGMENT23.06.2026

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 / 468 BNSS)
1	Babu Kundu	07.10.2021	07.10.2021	} 498A/406 IPC	Acquitted	-	N.A.

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 / Panch Witness / Other)
1	Nupur Dutta	Witness / CSW2
2	Nilanjan Dutta	Witness / CSW3
3	Rajdeep Roy Choudhury	Witness / CSW4

B. DEFENCE WITNESSES

Rank of Witness	Name of the Witness	Nature of Evidence (Eye Witness / Police / Expert / Panch Witness / Other)
x		

C. COURT WITNESSES

Rank of Witness	Name of the Witness	Nature of Evidence (Eye Witness / Police / Expert / Panch Witness / Other)
x		

LIST OF PROSECUTION / DEFENSE / COURT EXHIBITS / MATERIAL OBJECTS

A. PROSECUTION EXHIBITS

Sl. No.	Exhibit Number	Description
x		

B. DEFENCE EXHIBITS

Sl. No.	Exhibit Number	Description
x		

C. COURT EXHIBITS

Sl. No.	Exhibit Number	Description
x		

D. MATERIAL OBJECTS

Sl. No.	Material Object Number	Description
x		

In this judgment, unless the context otherwise requires, the following abbreviations, if used, would have the meanings that has been noted alongside -
IPC: Indian Penal Code, 1860 (Act 45 of 1860)
CrPC: Code of Criminal Procedure, 1973 (Act 2 of 1974)
IEA: Indian Evidence Act, 1872 (Act 1 of 1872)
BNS: Bharatiya Nyaya Sanhita, 2023 (No. 45 of 2023)
BNSS: Bharatiya Nagarik Suraksha Sanhita, 2023 (No. 46 of 2023)
BSA: Bharatiya Sakshya Adhiniyam, 2023 (No. 47 of 2023)

1. FACTS OF THE CASE IN BRIEF :

- 1.1 This is a case involving allegations of commission of offences by the accused punishable u/s. 498A/406 IPC.
- 1.2 The fact of the prosecution case is that the defacto complainant and purported victim namely Mukta Kundu filed a written complaint before the Dumdum PS on 17.01.2022 alleging inter alia that since marriage of the victim the sole accused namely Babu Kundu subjected the bride to mental and physical cruelty being her matrimonial relative(s) and/or husband on the demand of dowry or other valuables and missappropriated the article(s) belonging to the victim(s) which was/were entrusted to custody and converted the same to personal use by criminal breach of trust for wrongful gain. Based on the aforesaid complaint, the Dumdum PS started Case No. 37/2022 dated 17.01.2022.
- 1.3 After investigation, which resulted in a chargesheet being filed by the police on 30.06.2022 against the sole accused namely Babu Kundu, the Court took cognizance of the above offence; and after observing statutory formalities, transferred the case record to this Court for disposal.
- 1.4 Contents of charge framed against the accused being punishable u/s. 498A/406 IPC was read over and explained to the sole accused namely Babu Kundu u/s. 240 CrPC and when asked as to whether innocent or guilty, the accused cried innocence and claimed to be tried. Hence, the record was taken up for trial.

2. EVIDENCE ON RECORD :

- 2.1 The defacto complainant and purported victim(s) namely Mukta Kundu did not depose in this case as her summons returned 'not found' at her chargesheet address. The subsequent witness(es) namely Nupur Dutta, Nilanjan Dutta and Rajdeep Roy Choudhury took the dock as the prosecution witness(es) and on being examined by the Ld. Asst. Public Prosecutor, mentioned that they had no knowledge about this case and did not know the defacto complainant / purported victim of this case namely Mukta Kundu or her husband Babu Kundu or anything to have happened between them. They did not even know why they had been arraigned as witnesses or had been summoned in this case.
- 2.2 Considering the above evidence, the age of the record, the merit in the evidence recorded so far and also the bleak possibility of any fresh incriminating evidence turning up against the accused any further in this case, the prosecution finding no material worthy of prolongation of the instant litigation, prayed for dispensing with the examination of the subsequent formal witnesses who had been named in the chargesheet and opined towards closure of the evidence from the side of the prosecution.
- 2.3 Having thus closed the evidence for the prosecution on the submission of the Ld. Asst. Public Prosecutor, the record was taken up next for examination of the accused u/s. 313 of the Code of Criminal Procedure, 1973.
- 2.4 The sole accused namely Babu Kundu had been examined u/s. 313 CrPC. Accused during examination, denied the entirety of prosecution allegations as false and concocted and maintained being innocent throughout and finally declined to adduce any evidence on behalf of the defence, when asked.
- 2.5 Thereafter, argument was heard from both sides and the record was taken up for pronouncement of judgment.

3. POINTS FOR CONSIDERATION :

- 3.1 Whether the prosecution could establish that the sole accused namely Babu Kundu has/have committed any offence(s) punishable u/s. 498A/406 IPC beyond reasonable doubt?
- 3.2 Whether in view of the evidences that has/have been led by the prosecution, the sole accused namely Babu Kundu 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 sole accused namely Babu Kundu on the allegations of having committed the offence(s) punishable u/s. 498A/406 IPC against the purported victim(s).
- 4.2 The defacto complainant and purported victim(s) namely Mukta Kundu returned 'not found' when summons was issued to her chargesheet address. Accordingly, she did not depose in this case. On the other hand, Nupur Dutta, Nilanjan Dutta and Rajdeep Roy Choudhury was/were the only witness(es) whose ocular testimony was adduced in evidence by the prosecution, meaning thereby, that the entire prosecution case rests on the said evidence. During the evidence, the witness(es) mentioned that they had no knowledge about this case and did not know the defacto complainant / purported victim of this case namely Mukta Kundu or her husband Babu Kundu or anything to have happened between them. They did not even know why they had been arraigned as witnesses or had been summoned in this case. Considering the above evidence, the age of the record, the merit in the evidence recorded so far and also the bleak possibility of any fresh incriminating evidence turning up against the accused any further in this case, prosecution finding no material worthy of prolongation of the instant litigation, prayed that the examination of the subsequent formal witnesses named in the chargesheet be dispensed with and the evidence for prosecution be closed.
- 4.3 Thus despite opportunity provided, the prosecution, with all its might has not been able to bring before the Court any credible or actionable evidence, whether documentary or ocular, in support of it's contention of alleged wrongdoing by the sole accused namely Babu Kundu whether jointly or severally. The above evidence not only downplays the allegations in the FIR but goes on to demolish the prosecution story. The FIR accordingly has been reduced to a mere paper containing unfounded and unsubstantiated allegations. In short, there is nothing in the evidence to connect the accused to the alleged offence(s) or even the date or time or place of alleged occurrence as originally complained.
- 4.4 In a criminal trial, unless otherwise specified, the burden of establishing the commission of an offence by the accused lies entirely on the shoulders of the prosecution. Not only that, the prosecution must prove such commission of offence by accused beyond all reasonable doubt. In this case, in view of the evidence that has been led, it can safely be concluded that the said burden has not been discharged. Mere allegations howsoever serious in nature would not be sufficient to hold strong in face of the constitutional right of the accused to be presumed innocent until proven guilty. The evidence in this case disproves the prosecution allegations. Accordingly, the only logical conclusion that can be arrived at is that the prosecution story bites the dust.

= IN THE FIRST COURT OF THE JUDICIAL MAGISTRATE AT BARRACKPORE, NORTH 24 PARGANAS =

4.5 Further, it merits mention that justice is not sought by the purported victim alone; prolonged incarceration on unfounded and unsubstantiated allegations often leaves the accused as a victim of the system of dispensation of justice. Accordingly, if the allegation of commission of offence(s) is not proved despite sufficient opportunity, the cause of justice would cry and require the accused to be set free.

4.6 In view of the above discussion, the prosecution having failed to prove the commission of the alleged offence(s) 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

O R D E R E D

that, the sole accused namely Babu Kundu is/are acquitted from all offences in GR case being no. 560 of 2022 under section 248(1) of the Code of Criminal Procedure, 1973 this day.

The victim(s) 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) be discharged. Surety/ies (if any) be released.
Seized Alamat, if any, be dealt with in accordance with law.
Note in the relevant register(s).

Typed and checked by me:

Rahul Bhattacharjee, WBSJ,
Judicial Magistrate 1st Court,
Barrackpore, North 24 Parganas.
JO Code: WB01436
Dated : 23.06.2026

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Judicial Magistrate 1st Court,
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