

Form A
IN THE COURT OF JUDICIAL MAGISTRATE, 3rd COURT, BARRACKPORE
Present : Pratigya Pradhan, [JO Code WB 01456] Judicial Magistrate, 3 rd Court, Barrackpore, 24 Parganas (North).
GR Case No.4557/24
TR No.521/26
CNR No.WBNP150071332024
Date of the Judgment :02.6.26
U/S. 85/351(2)/316(2)/3(5) BNS

(Details of FIR/Crime and Police Station) Barrackpore Women P.S. Case No.53/24 dated 6.7.24	
Complainant	State of West Bengal
REPRESENTED BY	Sri. Ld. APP Tathagatha Sinha Ray
ACCUSED	Sumit Saha Shyamali Saha
REPRESENTED BY	Ld. Advocate

Form B		
Date of Offence	:	Since marriage
Date of FIR	:	6.7.24
Date of Charge Sheet	:	30.12.24
Date of Framing of charge	:	2.6.26
Date of commencement of Evidence	:	2.6.26
The date on which judgment is reserved	:	2.6.26
Date of Judgment	:	2.6.26
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	Sumit Saha	NA	30.7.24	U/S. 85/351(2)/316(2)/3(5) of BNS	Acquitted	N.A	N.A
A2	Shyamali Saha	NA	30.7.24	U/S. 85/351(2)/316(2)/3(5) of BNS	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	Sosrima Chowdhury	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	Complaint

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 85/351(2) of BNS.
2. Prosecution case was initiated on the basis of a written complaint by one Sosrima Chowdhury, de-facto complainant of this case, alleging, inter alia, she got married to accused no.1. After marriage she was subjected to physical and mental torture by the accused persons.. Hence this case.
3. The police after investigation filed charge sheet against the accused person u/s.85/351(2)/316(2)/3(5) of BNS.
4. Thereafter, on perusal of the entire materials, this court framed charge under sections 85/351(2)/316(2)/3(5) of BNS against the above named accused persons namely, Sumit Saha and Shyamali Saha. The substance of the accusation was read over and explained to the accused persons 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. The accused persons were not examined under Section 351 of BNSS as there is no incriminating materials against him.

Points for Consideration:

6. Is the accused persons are guilty of the offence punishable under Sections u/s. 85/351(2)/316(2)/3(5) of BNS?
7. Whether the Prosecution has been able to establish the charge U/S. 85/351(2)/316(2)/3(5) of BNS against the accused persons beyond the shadow of reasonable doubt?

Decision With Reasons:

8. Now, I have to analyze, assess and take into account the total evidence and materials on record to decide the case properly.
9. Ld. A.P.P during the argument submitted that the case of the prosecution has been proved. Ld. APP submitted P.W-1 has corroborated the contents in the FIR and he has been able to prove the case against the accused persons.
10. Ld. Counsel appearing for the accused persons had 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. None of the witnesses stated anything incriminating against the accused persons. According to the Ld Counsel, the accused persons are entitled to be acquitted of the alleged pleas.
11. On perusal of the evidence on record, I find that the defacto complainant has been examined in this case.
12. P.W-1 Sosrima Chowdhury, the de facto complainant in her examination in chief stated that she has filed this case against the accused persons. They have mutually settled the dispute. She does not want to proceed further. She has receive her stridhan articles. The complaint has been marked as **Exbt.P1/PW1**.
13. During her cross-examination, P.W-1 stated that she has no allegation against the accused persons. Police did not interrogate her. She has no objection if the accused will be acquitted from the case.
14. So from the examination of P.W.1 it will appear that the defacto complainant has no allegation against the accused and the dispute has been settled between them and because of misunderstanding the complaint was lodged.
15. 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.
16. The allegations against the accused person, as stated by the prime witness, the alleged victim, 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 person 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.

17. 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 Ld 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 85/351(2)/316(2)/3(5) of BNS. I, therefore, hold that the essential ingredients to connect the accused person with the offence are punishable under sections 85/351(2)/316(2)/3(5) of BNS are very much absent in the present case. Resultantly the accused persons are entitled to be acquitted of the pleas so framed against him under sections 85/351(2)/316(2)/3(5) of BNS.

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

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

Hence,

ORDERED

the accused persons namely, Sumit Saha and Shyamali Sah are found not guilty of the charge so framed against them under sections 85/351(2)/316(2)/3(5) of BNS and they are acquitted under section 271(1) of the BNSS.

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 Hon'ble 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.

Typed and printed by me,

(Pratigya Pradhan)
Judicial Magistrate
3rd Court, Barrackpore

(Pratigya Pradhan)
Judicial Magistrate
3rd Court, Barrackpore.