

Order dated 5.6.26

Today is fixed for appearance.

Sole accused person on C/B is present before this Court by filing hazira.

Ld. A.P.P is present.

Record is taken up for framing of charge.

Perused the C.S, C/R and other relevant documents on record.

On perusal it appears that there are sufficient grounds for framing of charge against the accused person u/s. **Sections 85/316(2) of BNS.**

Accordingly, charge is framed against the accused person u/s **Sections 85/316(2) of BNS.** in separate sheet of paper in prescribed form.

The contents of charge are read over and explained to accused persons in Bengali, to which they pleaded not guilty by saying “AMI NIRDOSH” and claimed to be tried.

Fix the record for Evidence.

The defacto complainant namely, Rina Adhikari had appeared before the Court along with photocopy of aadhar card by filing Vakalatnama and had also filed a petition stated that the dispute between him and the accused persons had now been amicably resolved. The same was kept with the record.

CSW1, namely, Rina Adhikari is examined and cross examined in full and discharged as PW1. Her signature upon the complaint is marked as Exhibit P1.

Upon perusal of the record, it appears that the prosecution has produced one witness till date and all the important witnesses related to the case has been examined by this Court already.

In view of the period of almost 1 year for which the instant case has been pending and after perusal of the deposition of the defacto complainant as well as considering the fact that the marital dispute between the accused person and the defacto complainant is now been resolved amicably, this Court observes that no further opportunity should be given to the prosecution.

Ld. APP has also verbally submitted for closing down the evidence for prosecution.

Prayer is allowed and evidence for the prosecution is hereby closed.

Now the record is taken up for examination of accused persons under section 351 of BNSS. On perusal of the evidence on record, on the basis of evidence of prosecution, the accused persons are examined u/s 351 of BNSS and kept with case record.

Ld. Advocate for the accused person submitted for not adducing the defence witnesses, accordingly the DW is closed.

Now the record is taken up for hearing argument. Heard the Argument. Considered.

Fix after recess for judgment.

Dictated & Corrected by me.

Judicial Magistrate 2nd Court,
Barrackpore, North 24 Parganas

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Later,

The Judgment is ready containing 06 pages sealed and signed and is pronounced in the open court.
Hence, it is,

ORDERED

that the accused person namely, Sanjib Adhikary is found not guilty of the offence punishable under Sections 85/316(2) of BNS and he is hereby acquitted from the instant case u/s 271 (1) of BNSS.

The bail bond of the above mentioned accused person shall remain in force for a period of 06(six) months from the date of this Judgment as per the provision of section 481 of BNSS.

Dictated & Corrected by me.

(Sayantani De Tarafder)
Judicial Magistrate 2nd Court,
Barrackpore, North 24 Parganas

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