

IN THE COURT OF THE ADDITIONAL SESSIONS JUDGE, FAST TRACK COURT – 1, PURULIA. Present : Sri Somak Das (J.O. Code-WB00944) Additional Sessions Judge, Fast Track Court No. -1, Purulia <u>Sessions Case No. 07/2026</u> <u>Sessions Trial No. 09(02)26</u> <u>C.I.S. No. 07/2026</u> <u>CNR No. WBPU01-000146-2026</u> DATE OF JUDGMENT : <u>23rd day of June, 2026</u>	
COMPLAINANT	STATE OF WEST BENGAL
REPRESENTED BY	Advocate Debasish Mahato Public Prosecutor in-charge
ACCUSED	Sudhir Murmu @ Shridhar Murmu
REPRESENTED BY	Advocate Atul Chandra Mahato

Date of Offence	28.08.2025
Date of FIR	28.08.2025
Date of Charge sheet	30.09.2025
Date of Framing of Charges	17.02.2026
Date of commencement of Evidence	17.06.2026
Date on which Judgment is reserved	---
Date of Judgment	23.06.2026
Date of Sentencing Order, if any	NIL

ACCUSED DETAILS							
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.
A-1	Sudhir Murmu @ Shridhar Murmu	29.08.25	17.09.25	U/S 329(4)/76/79 B.N.S	Acquitted	N/A	N/A

LIST OF PROSECUTION WITNESS		
RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
PW-1	Name not disclosed	Victim Lady
PW-2	Anil Murmu	Other witness
PW-3	Mutukbala Murmu	Other witness
PW-4	Jatila Murmu	Other witness
PW-5	Mahadeb Hembram	Other witness
PW-6	A.S.I Surendra Nath Saren	Investigating Officer

LIST OF DEFENCE WITNESS		
RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
DW-1	NIL	NIL

LIST OF COURT WITNESS		
RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
CW-1	NIL	NIL

LIST OF PROSECUTION EXHIBITS			
Serial no.	Exhibit No.	Description of documents	By whom proved
1.	P1/1	Signature of V.L on typed complaint	PW-1
2.	P1/2	Receiving endorsement along with signature of S.I. Ashok Kumar Sen of Manbazar P.S on the typed complaint	PW-6
3.	P2	Formal F.I.R	PW-6
4.	P3 series	Rough Sketch map and index of the P.O	PW-6

LIST OF DEFENCE EXHIBITS		
Sr. No.	Exhibit Number	Description
1.	NIL	NIL

LIST OF COURT EXHIBITS		
Sr. No.	Exhibit Number	Description
1.	NIL	NIL

LIST OF MATERIAL OBJECTS		
Sr. No.	Material Object Number	Description
1.	NIL	NIL

J U D G E M E N T

1. The accused person named above stands trial for the alleged offence punishable under Sections 329(4)/76/79 of B.N.S.
2. The case of the prosecution, in brief, is that on 28.08.2025 at about 7.00 p.m when the defacto complainant /V.L along with her only child were in the house, her father-in-law i.e. the accused used abusive and filthy languages towards her and tried to outrage her modesty by pulling her ‘saree’. When she started shouting, the ‘para’ people came and rescued her.
3. On the basis of the said written complaint, Manbazar P.S. Case No. 93/25 dated 28.08.2025 was started against the accused person namely, Sudhir Murmu under Sections 329(4)/76/79 of B.N.S.
4. A.S.I. Surendra Nath Saren of Manbazar P.S was entrusted to investigate the case, who after completion of the investigation submitted charge sheet being no. 92/25 dated 30.09.2025 against the F.I.R named accused person (A-1) under Sections 329(4)/76/79 of B.N.S.
5. The Ld. Chief Judicial Magistrate, Purulia on 05.01.2026 committed this case to the court of learned Sessions Judge, Purulia u/s 232 BNSS Cognizance was taken by the learned Sessions Judge, Purulia and on 28.01.2026 he was further pleased to transfer the case to this court for trial and disposal. On 16.02.2026, this court accepted the case record.

6. On perusing the charge sheet and the materials sent with it, on 17.02.2026 charge has been framed against the accused person above named under Sections 329(4)/76/79 of B.N.S. The substance of charge under the above section was read over and explained to the accused person in Bengali to which he pleaded not guilty and claimed to be tried.

7. After completion of the evidence of the prosecution, the accused person was examined under Section 351 BNSS. The accused person declined to adduce any defence witness on his behalf. The defence case as it appears from the trend of cross examination of the prosecution witnesses and the answers given by the accused person in examination under Section 351 BNSS is that of total denial of the prosecution case.

POINTS FOR CONSIDERATION

8. In order to ascertain the allegations against the accused person, the following points are framed for adjudication.

- i. Whether the accused person has committed any offence punishable under Sections 329(4)/76/79 of B.N.S ?
- ii. Whether the prosecution has been able to prove the case against the accused person beyond all reasonable shadow of doubt ?

DECISION WITH REASONS

9. All the two points are taken up together for consideration for the sake of convenience as they are interrelated.

10. The prosecution to establish the occurrence and to bring home the charges as labeled against the accused person has examined as many as six (06) witnesses.

11. **The P.W 1 is the victim lady of this case.** In her examination-in-chief, she has deposed that she lodged a written complaint before Manbazar P.S against Sudhir Murmu. In the year 2025, the alleged incident took place. At the relevant point of time, her husband was not present in the house. At about 7.00 p.m, the accused abused her with filthy languages. She raised objection and told him that she will call Soloana. For the aforesaid reason, she lodged complaint before Manbazar P.S. As per her instruction, complaint was drafted and subsequently, typed and she put her signature thereon. Her signature on the complaint had been marked as **Exbt P1/1**. **In her cross examination**, she has disclosed that due to

misunderstanding, case was filed. She could not say what was written in the complaint.

12. The P.W 2, P.W 3, P.W 4 and P.W 5, in their examination-in-chief, they have deposed that they did not know anything about the alleged incident.

13. The P.W 5 is the Investigating Officer of this case. In his examination-in-chief, he has deposed that on 28.08.2025, he was posted at Manbazar P.S as A.S.I of police. On that day, on the basis of a written complaint being lodged by the V.G, Manbazar P.S case no. 93/25 dated 28.08.2025 under Section 329(4)/76/79 BNS was initiated against Sudhir Murmu. The said complaint was received by the then S.I Ashok Kumar Sen of Manbazar P.S. His receiving endorsement along with signature on the written complaint had been marked as **Exbt. P1/2**. Thereafter, S.I Ashok Kumar Sen of Manbazar P.S prepared the formal F.I.R and put his signature on it which had been marked as **Exbt. P2**. After being entrusted with the task of investigation, he perused the F.I.R, examined the V.G and recorded her statement under Section 180 BNSS. Thereafter, he visited the P.O and prepared rough sketch map and index of the P.O which had been marked as **Exbt. P3 series**. He also examined the available witnesses and recorded their statements under Section 180 BNSS. On 29.08.2025, he held raid and arrested the accused person and on the very day forwarded him before the Ld. C.J.M, Purulia. Thereafter, on 30.09.2025 after taking permission from the superior officer, he submitted charge sheet being no. 92/25 dated 30.09.2025 in this case against the accused Sudhir Murmu @ Shridhar Murmu under Section 329(4)/76/79 BNS.

14. These all are the evidence I have in this case.

15. The typed complaint goes to show that on 28.08.2025 at about 7.00 p.m, the V.L (**PW-1**) along with her child were present in the house. Her husband was not there. At that time, the accused abused her with slang languages and tried to outrage her modesty by pulling her 'saree'.

16. On perusing the evidence of **PW-1**, I find that in the year 2025, the alleged incident took place. At the relevant point of time, her husband was not present in the house. At about 7.00 p.m, the accused abused her with filthy languages. She raised objection and told him that she would call 'Soloana'. Thereafter, she lodged complaint against him before Manbazar P.S. She further stated that as per her instruction complaint was drafted and subsequently, the same was typed. She proved her signature on the typed complaint (**Exhibit P1/1**).

17. considering her evidence, it appears that **PW-1** could not depose the exact date and place of occurrence and also who typed the complaint. On close scrutiny, it further transpires that she remained completely silent regarding the allegation of outraging her female modesty by pulling her 'saree'. Therefore, it can be safely said that there is material discrepancies in her evidence and she has not supported the case of the prosecution at all.

18. Further, her cross examination makes it clear and establish that her evidence itself is very much contradictory. **PW-1** clearly stated that she could not say what was written in the complaint. She further admitted that due to misunderstanding, case was filed.

19. Having considered the evidence of V.L, I have no hesitation to hold that the evidence of **PW-1** makes the prosecution case doubtful and disbelievable.

20. In the present case the V.L denied to record her statement judicially u/s 183 BNSS. During evidence, I.O did not seize anything.

21. **PW-2 to 5** stated nothing about the alleged incident. They categorically deposed that they did not know anything about the alleged incident.

22. **PW-6** is the I.O who stated all which he did during his investigation and his act of submission of charge sheet on 30.09.2025. It is obvious that he would have no personal knowledge about the incident as alleged.

23. In the light of above discussion I do not think further evidence is necessary to develop the case of the prosecution.

24. Therefore, in the absence of any cogent, convincing and unimpeachable piece of evidence, there is no room of doubt that the prosecution has failed to bring home the charge against the accused person and accordingly, he deserves an order of acquittal.

25. **Both the points of consideration are accordingly, answered in negative and disposed of.**

Hence, it is,

O R D E R E D

that the accused person facing trial, viz., **Sudhir Murmu @ Shridhar Murmu (A-1)** is found and held not guilty for the offence punishable under

Sections 329(4)/76/79 of B.N.S and he is hereby acquitted from this case under Section 258(1) of B.N.S.S.

The accused person be discharged from his bail bond and the surety be discharged.

The seized alat, if any, be disposed of after completion of period of appeal.

(Dictated & Corrected by me)

Sd/-

Additional Sessions Judge,
Fast Track Court -I, Purulia.

Sd/-

Additional Sessions Judge,
Fast Track Court-I, Purulia.