

**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

Sessions Case No. 29/2025
Sessions Trial No. 06(09)2025
C.I.S. No. 29/2025
CNR No. WBPU01-000201-2025

DATE OF JUDGMENT : 18th day of March, 2026

COMPLAINANT	STATE OF WEST BENGAL
REPRESENTED BY	Advocate Goutam Chatterjee Public Prosecutor in-charge
ACCUSED	Koushik Mondal, Arup Mondal and Adar Mondal
REPRESENTED BY	Advocate Sujata Singh

Date of Offence	14.07.2023
Date of FIR	06.08.2023
Date of Charge sheet	31.05.2024
Date of Framing of Charges	09.09.2025
Date of commencement of Evidence	19.01.2026
Date on which Judgment is reserved	---
Date of Judgment	18.03.2026
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	Koushik Mondal	Surrendered on 30.08.23	09.10.23	448/376/506 of I.P.C	Acquitted	N/A	N/A
A-2	Arup Mondal	Surrendered on 29.04.24	29.04.24	448/376/354C/506 of I.P.C	Acquitted	N/A	N/A
A-3	Adar Mondal	Surrendered on 16.11.23	16.11.23	506 of I.P.C	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	Name not disclosed	Husband of the V.L
PW-3	Name not disclosed	'Deor' of the V.L
PW-4	Dr. Sujan Kumar Kundu	Medical witness
PW-5	S.I Purnendu Dutta	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	Written complaint	PW-1
2.	P1/1	Receiving endorsement along with signature of S.I Asim Kumar, 2 nd Officer of Neturia P.S on the written complaint	PW-5

3.	P2	Statement of the V.L recorded u/s 164 Cr. P.C	PW-1
4.	P2/1 to P2/6	Signatures of V.L on the statement recorded u/s 164 Cr. P.C	PW-1
5.	P3	Medical examination report of V.L	PW-4
6.	P3/1	Signature of V.L on the consent as well as medical examination report	PW-1
7.	P4	Seizure list dated 08.08.2023	PW-5
8.	P4/1	Signature of V.L on the seizure list dated 08.08.2023	PW-1
9.	P5	Formal F.I.R along with signature of S.I Asim Kumar, 2 nd Officer of Neturia P.S	PW-5
10.	P6 series	Rough sketch map with index of the P.O	PW-5
11.	P7	Seizure list dated 07.08.2023	PW-5
12.	P8	Seizure list dated 04.09.2023	PW-5
13.	P9	Seizure list dated 06.09.2023	PW-5

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 Koushik Mondal stands trial for the alleged offence punishable under Sections 448/376/506 of the Indian Penal Code, 1860, accused Arup Mondal stands trial for the alleged offence punishable under Sections

448/376/354C/506 of the Indian Penal Code, 1860 and accused Adar Mondal stands trial for the alleged offence punishable under Sections 506 of the Indian Penal Code, 1860, hereinafter, referred to as the I.P.C, in short.

2. The fact of the prosecution case is that the defacto complainant/victim lady lodged a complaint before the O.C, Neturia P.S to the effect that on 14.07.2023 at about 11.00 a.m, her husband was not present and she was busy with her work. At that time, in planned way accused Koushik Mondal armed with sharp cutting weapon came to her and gave ill proposal. As she was not agreed with the proposal of the accused, he forcefully took her in the room and raped her without her consent by felling her on the ground. At that time of commission of rape, Arup Mondal, brother of Koushik Mondal made videography from a secret position. Thereafter, accused Arup Mondal scared her by showing that video to her and at 02.00 p.m Arup also raped her in her house. After committing rape, the accused Arup told the complainant that if she discloses such incident to anyone, such video would be viral in the social media. Due to afraid, she did not disclose such incident to anyone. When the incident was informed to accused Adar Mondal by the husband of the complainant, all the accused persons became anger and rushed to kill them. Somehow, they managed to escape.

3. On the basis of the said written complaint, Neturia P.S Case No. 62/23 dated 06.08.2023 was started against the accused persons namely, Koushik Mondal, Arup Mondal and Adar Mondal under Sections 376/354C/448/506/34 of the I.P.C.

4. S.I Manas Dutta of Neturia P.S was entrusted to investigate the case and on 30.09.2023 he was transferred. On 06.10.2023, S.I Purnendu Dutta was further entrusted to investigate the case. On 02.02.2024, S.I Gopal Chandra Man was further entrusted to investigate the case who after completion of the investigation, submitted charge sheet being no. 52/24 dated 31.05.2024 against all three (03) F.I.R named accused persons under Sections 448/376/354C/506/34 IPC.

5. The Ld. Additional Chief Judicial Magistrate, Raghunathpur on 06.11.2024 committed this case to the court of learned Sessions Judge, Purulia. Cognizance was taken under Section 193 of the Code of Criminal Procedure by the learned

Sessions Judge, Purulia and on 29.01.2025 he transferred the case to this court for trial and disposal. On 20.02.2025, this Court received the case record.

6. On perusing the charge sheet and the materials sent with it under Section 173 of the Code of Criminal Procedure, 1973, hereinafter referred to as the Cr.P.C, in short, on 09.09.2025 charge has been framed against the accused persons above named under Sections 448/376/354C/506 of the I.P.C. The substance of charge under the above sections was read over and explained to the accused persons in Bengali to which they pleaded not guilty by saying “Ami Nirdosh” individually and claimed to be tried.

7. After completion of the evidence of the prosecution, the accused persons were examined under Section 313 of the Cr.P.C. The accused persons declined to adduce any defence witness on their behalf. The defence case as it appears from the trend of cross examination of the prosecution witnesses and the answers given by the accused persons in examination under Section 313 of the Cr.P.C is that of total denial of the prosecution case.

POINTS FOR CONSIDERATION

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

i. Whether the accused Koushik Mondal has committed any offence punishable under Sections 448/376/506 of the I.P.C, accused Arup Mondal has committed any offence punishable under Sections 448/376/354C/506 of the I.P.C and accused Adar Mondal has committed any offence punishable under Sections 506 of the I.P.C ?

ii. Whether the prosecution has been able to prove the case against the accused persons beyond all reasonable shadow of doubt ?

DECISION WITH REASONS

9. Both 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 persons, has examined as many as five (05) witnesses.

11. **The P.W. 1 is the victim lady of this case.** In her examination-in-chief, she deposed that she had two daughters. Her family consisted of herself, her husband and two daughters. Her husband used to stay at Odisha for work purpose. On 06.08.2023, she lodged complaint before Neturia P.S against her brother in law (Bhasur) and his two sons. She herself wrote the complaint and put her signature thereon (**Exbt.P1**). On 14.07.2023, in the afternoon, a disturbance was held by the two sons of her Bhasur with her. She made statement before the Ld. Magistrate and Ld. Magistrate recorded her statement u/s 164 Cr.PC. The contents of the statement was read over and explained to her and after hearing and understanding the contents of her statement to be correctly written, she put her signature on each and every page. Her 164 Cr.PC statement (**Exbt.P2**) and her signatures (**Exbt.P2/1 to P2/6**). Police took her to Raghunathpur S.D hospital for her medical treatment. The doctor of the said hospital examined her with her consent. After examination, he prepared a report. Her signature on the consent as well as medical examination report (**Exbt. P3/1**). Police seized her wearing apparel by preparing a seizure list in presence of other witnesses and she put her signature on the said seizure list (**Exbt.P4/1**). **In her cross examination**, she stated that she could not recollect what was written in the complaint and what she stated before the Ld. Magistrate. She did not disclose any name of assailant before the doctor.

12. **The P.W. 2 is the husband of victim lady of this case.** In his examination-in-chief, he deposed that he used to stay at Odisha for work purpose. They were three brothers namely, Adar Chandra Mondal, Amrit Kumar Mondal and Sagar Mondal. They three bothers along with their families used to reside in the same compound. His family consisted of himself, his wife and two daughters. On 06.08.2023, his wife lodged a complaint before Neturia PS against his elder brother and two nephews. He was not present at the time of alleged incident but he was present when the complaint was lodged. On 14.07.2023, the alleged incident took place.

13. **The P.W. 3 is the 'Deor' of victim lady of this case.** In his examination-in-chief, he deposed that they were three brothers namely, Adar Chandra Mondal, Amrit Kumar Mondal and Sagar Mondal. They three bothers along with their families used to reside in the same compound. On 06.08.2023, his 'boudi' lodged a complaint before Neturia PS against his elder brother and two nephews. He was not present at the time of alleged incident but he was present when the complaint was lodged. On 14.07.2023, the alleged incident took place.

14. **The P.W. 4 (Medical Officer),** in his examination-in-chief, deposed that on 07.08.2023, he was posted in Raghunathpur S. D. Hospital. On that day, in connection with Neturia P.S. case no. 62/2023 dated 06.08.2023 under Sections 376/354C/448/506/34 I.P.C, V.G was produced before him for her medico legal examination. She was brought and identified by LC/1026 Tumpa Bouri of Neturia P.S. She was medically examined by him with her consent. After examination, he prepared report under his own handwriting with his signature and containing official seal (**Exhibit P3**).

15. **The P.W. 5 (Investigating Officer),** in his examination-in-chief, deposed that on 06.08.2023, he was posted at Neturia P.S as S.I. of police. On that day, on the basis of a written complaint being lodged by the V.G, Neturia P.S case no. 62/23 dated 06.08.2023 under Section 376/354C/448/506/34 I.P.C was initiated against all three FIR named accused persons namely, Koushik Mondal, Arup Mondal and Adar Chandra Mondal. The said complaint was received by S.I Asim Kumar, 2nd Officer of Neturia P.S. His receiving endorsement along with signature on the written complaint (**Exbt. P1/1**). Thereafter, S.I Asim Kumar, 2nd Officer of Neturia P.S prepared the formal F.I.R and put his signature on it. The formal F.I.R along with his signature (**Exhibit P5**). S.I Manas Dutta was entrusted with the task of investigation of this case. After being entrusted with the task of investigation, he perused the F.I.R. He examined the V.G and other available witness at P.S and recorded their statement under Section 161 Cr.P.C. Thereafter, he along with the V.G visited the P.O and prepared rough sketch map and index of the P.O (**Exhibit P6 series**). On 06.08.2023, he took the V.G to Harmardih C.HC, Neturia and she was medically examined there with her consent by the doctor of the said hospital and on that very date, he collected the said report.

Thereafter, he took the V.G to Raghunathpur S. S. Hospital and she was medically examined there with her consent by the doctor of the said hospital and on that very date, he collected the said report. On 07.08.2023, he seized the vaginal swab and smear of the V.G as produced by LC/1026 Tumpa Bauri of Neturia P.S by preparing a seizure list with his signature (**Exbt. P7**). On 07.08.2023, he made prayer before the Ld. A.C.J.M, Raghunathpur for recording the statement of the V.G under Section 164 Cr.P.C. and his prayer was allowed and accordingly, on that very date, her statement was recorded under Section 164 Cr.P.C and he obtained the copy of the said statement recorded under Section 164 Cr.P.C. On 08.08.2023, he seized the wearing apparels of V.G as produced by her by preparing a seizure list with his signature (**Exbt. P4**). On 04.09.2023, he seized the urethral swab and smear of the accused Koushik Mondal as produced by C/174 Tapan Das Bauri of Neturia P.S by preparing a seizure list with his signature (**Exbt. P8**). On 06.09.2023, he seized the wearing apparels of the accused Koushik Mondal as produced by accused by preparing a seizure list with his signature (**Exbt. P9**). On 30.09.2023, S.I. Manas Dutta was transferred from Neturia P.S. On 06.10.2023, he took the case for further investigation. He also examined the available witnesses. On 02.02.2024, S.I Gopal Chandra Man took this case for further investigation. Thereafter, on 31.05.2024, after taking permission from the superior officer, he submitted charge sheet being no. 52/24 dated 31.05.2024 in this case against the all three FIR named accused persons under Section 448/376/354C/506/34 I.P.C.

16. This is the sum and substance of evidence of the prosecution.

17. On perusal of the written F.I.R (**Exhibit P1**), I find that on 14.07.2023 at about 11.00 a.m the alleged incident of rape occurred in the house of the defacto complainant and at that time, her husband was absent. The accused Koushik entered into her home with sharp cutting weapon and gave bad proposal to her. When she did not agree with the said bad proposal, the accused raped her forcibly against her will and his brother, Arup captured the entire episode of rape in his camera with an ill motive. Subsequently, at about 02.00 p.m accused Arup came and scared her by showing that video and also raped her in her house. Accused Arup also threatened her that if she discloses the matter to anyone, he would

make that video viral. Due to afraid, she did not disclose such incident to anyone. When her husband informed about the incident to accused Adar Mondal, all the accused persons rushed to kill them. They anyhow managed to escape.

18. Considering the prosecution case, it can be safely said that the defacto complainant alone was present at the P.O at the time of alleged incident of rape. She is the sole victim. So, it is quite natural that she would have full ocular knowledge about the alleged incident. The victim **(PW-1)** is the most vital witness of the prosecution to prove its case against the accused persons beyond the reasonable doubt. Sole testimony of the rape victim is more than sufficient to convict the accused person.

19. Now, let us see how far the victim **(PW-1)** has supported the case of the prosecution by adducing her evidence.

20. **PW-1**, in her examination in chief, deposed that on 06.08.2023 she lodged complaint against her 'bhasur' and his two sons before Neturia P.S. She herself wrote the complaint and signed thereon and also proved the same **(Exhibit P1)**. She further disclosed that on 14.07.2023 in the afternoon a disturbance was held in between herself and the two sons of her 'bhasur'. But, she could not recollect about the alleged incident. During evidence, she proved her statement recorded under section 164 Cr. P.C **(Exhibit P2)** and her signature thereon **(Exhibit P2/1 to P2/6)**. She further stated that she was medically examined by the doctor of Raghunathpur S.D Hospital with her consent. She signed on the consent form-cum-medical examination report **(Exhibit P3/1)**. She proved her signature on seizure list by which her wearing apparels were seized **(Exhibit P4/1)**.

21. On perusing and considering her examination in chief, it is crystal clear that she has not at all supported the case of the prosecution. She has made an evasive statement that a disturbance was held in between herself and the two sons of her 'bhasur'. She stated nothing as regards the alleged incident of rape and the videograph of the entire episode of her rape committed by the accused. She remained completely silent regarding that. She stated not a single line against her 'bhasur'. During cross examination, **PW-1** clearly deposed that she could not recollect what was written in the complaint, though she herself wrote the

complaint.

22. In her 164 statement (**Exhibit P2**), I find that she more or less supported the case of the prosecution. But during her evidence, she candidly stated that she could not recollect what she stated before the Ld. Magistrate.

23. Having considered the version of the victim, I am of the clear view that the version of **PW-1** is utterly in contradiction with her version in the F.I.R and also in the 164 statement. Her evidence suffers from inherent incongruities. She is not a credible witness and as such, her evidence is not reliable and makes the prosecution case doubtful and disbelievable.

24. **PW-4**, being the Medical Officer (Gynecologist) of Raghunathpur S.D Hospital, on 07.08.2023 examined the victim with her consent and after examination, he prepared report (**Exhibit P3**).

25. From **Exhibit P3**, I find that the victim did not disclose the name of assailant before the attending Medical Officer. No recent injury was found all over her body including her genital area and private parts.

26. Therefore, it is crystal clear that the medical evidence has not supported the case of the prosecution, where the victim alleged to be forcible rape upon her against her will by both the accused persons namely, Koushik and Arup Mondal.

27. On perusal of the evidence of **PW-2** (husband) and **PW-3** (deor), it transpires that they both were not present at the P.O at the time of alleged incident of rape. They did not know anything about the alleged incident. There is no evidence to show that they came to know about the alleged incident from the victim. So, their evidence has got no substance at all.

28. **PW-5** is the I.O who stated all he did in course of his investigation and his act of submission of charge sheet on 31.05.2024.

29. From the entire evidence on record, both oral as well as documentary, I therefore find that the prosecution has failed to bring home the prosecution case. Thus, the prosecution could not prove the guilt of the accused persons beyond

reasonable doubt, as such, I am constraint to hold that the accused persons are entitled to get acquittal from the instant case.

30. Thus, both the points of consideration are answered in negative and disposed of.

Hence, it is,

O R D E R E D

that the accused person facing trial, viz, **Koushik Mondal (A-1) is found and held not guilty** for the offences punishable **under Sections 448/376/506 I.P.C**, accused person namely, **Arup Mondal (A-2) is found and held not guilty** for the offences punishable **under Sections 448/376/354C/506 of I.P.C and accused person namely, Adar Mondal (A-3) is found and held not guilty** for the offences punishable **under Sections 506 of I.P.C** and they are hereby acquitted from this case under Section 235(1) of the Cr.P.C.

The accused persons be discharged from their respective bail bonds and the sureties be discharged.

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

Dictated and Corrected by me.

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

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