

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. 90/2026</u> <u>Sessions Trial No. 08(07)26</u> <u>C.I.S. No. 90/2026</u> <u>CNR No. WBPU01-000781-2026</u> DATE OF JUDGMENT : <u>31st day of July, 2026</u>	
COMPLAINANT	STATE OF WEST BENGAL
REPRESENTED BY	Advocate Sumanta Mukherjee Public Prosecutor in-charge
ACCUSED	Sittu Singh
REPRESENTED BY	Advocate Trisha Ghosh

Date of Offence	Since 2020 and lastly on 03.02.2025
Date of FIR	13.07.2025
Date of Charge sheet	30.09.2025
Date of Framing of Charges	14.07.2026
Date of commencement of Evidence	24.07.2026
Date on which Judgment is reserved	---
Date of Judgment	31.07.2026
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	Sittu Singh	13.07.25	12.08.25	U/S 69 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	Rajeev Ranjan Das	Elder brother of V.L

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 with signature of V.L	PW-1
2.	P2	Statement of V.L recorded u/s 183 BNSS	PW-1
3.	P2/1	Signature of V.L on her 183 statement	PW-1

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 Section 69 B.N.S.

2. The fact of the prosecution case is that the defacto complainant/ V.L lodged a complaint before the I.C, Jhalda P.S to the effect that since 2020 there was love affairs in between herself and the accused person. Since then, the accused promised her to marry and on such promise, he made physical relationship with her on several occasion at different places. On 3rd February, 2025 he cohabited with her for the last time at Baghmundi Matha Resort. But, he denied to marry her.

3. On the basis of the said written complaint, Jhalda P.S Case No. 145/25 dated 13.07.2025 was started against the accused person namely, Sittu Singh under Section 69 B.N.S.

4. S.I Biswajit Banerjee of Jhalda P.S was entrusted to investigate the case, who after completion of the investigation, submitted charge sheet being no. 185/25 dated 30.09.2025 against the F.I.R named accused person (A-1) under Section 69 B.N.S.

5. The Ld. Chief Judicial Magistrate, Purulia on 13.03.2026 committed this case to the court of learned Sessions Judge, Purulia u/s 232 BNSS. Cognizance was

taken under Section 213 BNSS by the learned Sessions Judge, Purulia and on 16.04.2026 he transferred the case to this court for trial and disposal.

6. On perusing the charge sheet and the materials sent with it, on 14.07.2026 charge has been framed against the accused person above named under Section 69 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 by saying “Ami Nirdosh” 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 his examination under Section 351 BNSS is that of total denial of the prosecution case.

POINTS FOR CONSIDERATION

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

- i. Whether the accused person has committed any offence punishable under Section 69 BNS ?
- 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. 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 person, has examined as many as two (02) 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 Jhalda P.S against Sittu Singh. One Rakhi Karmakar wrote the complaint as per her instruction. She put her signature on the complaint. The written complaint with her signature had been marked as **Exbt.P1**. The accused resided in the same 'para' where she resided. She got acquainted with the accused and thereafter, they became friend. They were wandering here and there. The family members of herself and the accused both knew their relation. The accused promised her to marry. Subsequently, he refused to marry. For the aforesaid reason, she lodged complaint. She made statement before the Ld. Magistrate who recorded her statement as per her version. After understanding that the same was recorded as per her version, she put her L.T.I on it and put her signature on a separate sheet. The 183 BNSS statement had been marked as **Exbt. P2** and her signature on separate sheet had been marked as **Exbt. P2/1**. Police took her to Deben Mahato Government Medical College and Hospital, Purulia for her medico legal examination but, she refused to undergo her medical examination. **She, in her cross examination**, has disclosed that she could not say what was written in the complaint. They cohabited each other voluntarily. Police tutored her what to make statement before the Ld. Magistrate.

12. **The P.W. 2**, in his examination-in-chief, he has deposed that V.L is his younger sister who lodged a written complaint before Jhalda P.S against Sittu Singh of their locality. His sister loved the accused. He heard from his sister that the accused promised her to marry but he subsequently denied to marry her.

13. That's all the evidence, I have in this case.

14. The written complaint (Exbt.P1) goes to show that since 2020 the V.L had love affairs with the accused who promised her to marry and on such promise, he made sexual relationship with her on several occasions at different places. On 03.02.2025, they cohabited for the last time at Matha Resort. But, he subsequently, refused to marry her.

15. On perusing the evidence of the V.L and her elder brother (PW-1 and PW-2), I find that there was love affairs in between V.L and the accused. Both the family members knew about their relation. The accused promised her to marry.

Subsequently, he refused to marry her. For the said reason, complaint was lodged. There is no evidence on record to show that the accused, on promise of marriage, cohabited with her on several times at different places and on 03.02.2025 sexual intercourse was made in between them at Matha Resort. Both PW-1 and PW-2 remained completely silent regarding the alleged facts of cohabitation on the promise of marriage. Therefore, considering their evidence it can be safely said that there are material discrepancies in their evidence and they have not supported the case of the prosecution in toto.

16. From the statement of the V.L recorded u/s 183 BNSS (Exbt.P2), it appears that since last five years, the accused had love affairs with the accused. Now, he told her that he would not marry her. Apart from that, the victim stated nothing else.

17. Having considered her 183 BNSS statement, it is crystal clear that her version in 183 statement is utterly in contradiction with her version in the F.I.R. During 183 statement, PW-1 did not say anything as regards the alleged facts of the promise of marriage and on such promise, the accused cohabited with her on several times at different places.

18. In the light of above discussion, I am of the clear view that evidence of the victim suffers from inherent incongruities and bristles with contradictions. She cannot pass the test of '**sterling witness**'. As such, her evidence is not reliable. Her evidence makes the prosecution case doubtful and disbelievable.

19. Therefore, I do not think further evidence is necessary to develop the case of the prosecution.

20. Thus, in absence of any cogent and trustworthy evidence on record, there is no room of doubt that the prosecution has failed to bring home the charge against the accused persons and accordingly, he deserves an order of acquittal.

21. **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 sole accused person facing trial, viz, **Sittu Singh (A-1) is found and held not guilty** for the offences punishable **under Section 69 B.N.S** and he is hereby acquitted from this case under Section 258(1) of the B.N.S.S.

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

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