

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. 123/2026</u> <u>Sessions Trial No. 01(07)26</u> <u>C.I.S. No. 123/2026</u> <u>CNR No. WBPU01-001024-2026</u> DATE OF JUDGMENT : 17th day of July, 2026	
COMPLAINANT	STATE OF WEST BENGAL
REPRESENTED BY	Advocate Sumanta Mukherjee Public Prosecutor in-charge
ACCUSED	Ramkrishna Chakraborty and Hiranmoy Chakraborty
REPRESENTED BY	Advocate Sagar Mondal

Date of Offence	20.10.2025
Date of FIR	15.11.2025
Date of Charge sheet	28.12.2025
Date of Framing of Charges	02.07.2026
Date of commencement of Evidence	13.07.2026
Date on which Judgment is reserved	---
Date of Judgment	17.07.2026
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	Ramkrishna Chakraborty	Surrendered on 24.12.25	24.12.25	U/S 126(2)/115(2)/109/3(5) B.N.S	Acquitted	N/A	N/A
A-2	Hiranmoy Chakraborty	Surrendered on 24.12.25	24.12.25	U/S 126(2)/115(2)/109/3(5) and 74 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	Name not disclosed	Elder brother of victim lady
PW-3	S.I Aniruddha Chatterjee	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	The written complaint with signature of V.L	PW-1
2.	P1/1	Receiving endorsement with signature of Inspector Tufan Kr. Dawn of Purulia (M) P.S on the written complaint	PW-3
3.	P2	Formal F.I.R	PW-3
4.	P3 series	Rough sketch map and index of the P.O	PW-3

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 persons named above stand trial for the alleged offence punishable under Sections 126(2)/115(2)/109/3(5) and 74 of B.N.S.
2. The fact of the prosecution case is that the defacto complainant/ victim lady lodged a complaint before the I.C, Purulia (M) P.S to the effect that her father’s house and matrimonial house both were at village Karcha. On 20.10.2025 at about 7.30-8.00 p.m, she along with her son Raktim Chakraborty, were proceeding towards Uparpara ‘Kali Mandir’. Suddenly, her husband rushed towards her and hold her hair and pushed her and thereby, she fell down on the ground and sustained serious injury on her head. His elder brother i.e. her ‘bhasur’ tried to kill her by pressing her throat with her ‘orna’ and outraged her modesty by touching her breast. At that time, her son and the wife of her brother namely, Sukla Chakraborty started shouting and then, the ‘para’ people rushed towares them. Her husband, Ramkrishna tried to kill her son. She was admitted by her two brothers at Purulia Sadar Hospital and after two days, she was discharged from the hospital.
3. On the basis of the said complaint, Purulia (M) P.S Case No. 360/25 dated 15.11.2025 was started against both the accused persons namely, Ramkrishna

Chakraborty and Hiranmoy Chakraborty under Sections 126(2)/115(2)/109(1)/75/3(5) of B.N.S.

4. S.I Aniruddha Chatterjee of Purulia (M) P.S was entrusted to investigate the case who after completion of the investigation, submitted charge sheet being no. 366/25 dated 28.12.2025 against both the F.I.R named accused persons (A-1 and A-2) under Sections 126(2)/115(2)/109(1)/75/3(5) of B.N.S.

5. The Ld. Chief Judicial Magistrate, Purulia on 29.04.2023 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 02.06.2026 he transferred the case to this court for trial and disposal. On 16.06.2026, this Court received the case record.

6. On perusing the charge sheet and the materials sent with it, on 02.07.2026 charge has been framed against both the accused persons above named (A-1 and A-2) under Sections 126(2)/115(2)/109/3(5) of B.N.S and against A-2, 74 B.N.S. 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 351 BNSS. 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 351 BNSS 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 persons have committed any offence punishable under Sections 126(2)/115(2)/109/3(5) of B.N.S ?

ii. Whether the accused person (A-2) has committed any offence punishable under Sections 74 of B.N.S ?

iii. 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 three (03) 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 three (03) 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 Purulia (M) P.S against Ramkrishna Chakraborty (husband) and Hiranmoy Chakraborty (Bhasur). On the day of 'Kalipuja' at about 7.30 p.m, the alleged incident took place. Raktim Chakraborty is her son. A disturbance was held in between herself, her son and the accused persons. My father's house and matrimonial house both are in the same village namely Karcha. At present, she is residing at her father's house with her son. For the aforesaid reason, she lodged complaint which was written and signed by her (**Exhibit P1**). **In her cross examination,** she has disclosed that in the year 2013, she got married with Ramkrishna. Due to misunderstanding with her husband she lodged complaint. She wants to lead her family life with her husband at her matrimonial house.

12. **The P.W.2 is the elder brother victim lady of this case.** In his examination-in-chief, he has deposed that he knew that V.L lodged a written complaint before Purulia (M) P.S against Ramkrishna Chakraborty and Hiranmoy Chakraborty. On the day of 'Kalipuja' at night the alleged incident took place. A hot altercation took place in between his sister and the accused persons. His 'bhagne' was present there. For the said reason, complaint was lodged. His sister is residing with her son at their house. **In his cross examination,** he has disclosed that in

the year 2013, his sister got married with Ramkrishna. After marriage, she went to her matrimonial house and resided there with her husband. She conceived there and gave birth to a male child. Due to misunderstanding in between his sister and her husband, she lodged complaint.

13. **The P.W.3 is the Investigating Officer of this case.** In his examination-in-chief, he has deposed that on 15.11.2025, he was posted at Purulia(M) P.S as S.I. of police. On that day, on the basis of a written complaint being lodged by the V.L, Purulia(M) P.S case no.360/25 dated 15.11.2025 under Section 126(2)/115(2)/109(1)/75/3(5) was initiated against Ramkrishna and Hiranmoy Chakraborty. The said complaint was received by the Inspector Tufan Kumar Dawn of Purulia(M) P.S. His receiving endorsement along with signature on the written complaint had been marked as **Exbt. P1/1**. Thereafter, Inspector Tufan Kumar Dawn of Purulia(M) P.S prepared the formal F.I.R and I.C Purulia(M) P.S Inspector Ashoktaru Mukherjee of Purulia (M) P.S 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. 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. Thereafter, on 28.12.2025 after taking permission from the superior officer, he submitted charge sheet being no. 366/25 dated 28.12.2025 in this case against the accused persons namely, Ramkrishna and Hiranmoy Chakraborty under Section 126(2)/115(2)/109(1)/75/3(5) of BNS.

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

15. By lodging the written complaint (**Exhibit P1**), the defacto complainant /V.L stated that the alleged incident took place on 20.10.2025 at about 7.30-8.00 p.m, while she along with her son Raktim and wife of her brother Sukla Chakraborty were proceeding towards Uparpara 'Kali Mandir'. She alleged that her husband Ramkrishna assaulted her after holding her hair and pushed her with force and thereby, she fell down on the ground and sustained serious injury on her head. He also tried to kill her son. Her 'bhasur' tried to kill her by pressing her throat with her 'orna' and outraged her modesty by touching

her breast. She was admitted at Purulia Sadar Hospital for two days.

16. In the present case, the defacto complainant is the sole victim and her son Raktim and wife of her brother Sukla personally witnessed the alleged incident.

17. Surprisingly, the prosecution failed to produce the aforesaid two eye witnesses before the court for adducing their evidence.

18. Here, the victim was examined by the prosecution as **PW-1**. So, the entire case rests upon the evidence of the V.L.

19. On perusing the evidence of **PW-1**, I find that on the day of 'Kalipuja' at about 7.30 p.m, the alleged incident took place. A disturbance was held in between herself, her son and the accused persons. For the said disturbance, complaint was lodged. She herself wrote the complaint and signed thereon (**Exhibit P1**). During evidence, **PW-1** stated nothing regarding the alleged facts of attempting to commit murder, outraging her modesty and assaulting her by the accused persons. There is no evidence involving the accused persons in the crime. In the cross examination, **PW-1** clearly admitted that due to misunderstanding with her husband, she lodged complaint.

20. Similarly, the elder brother of the V.L as **PW-2** had deposed the same facts as stated by the V.L. According to **PW-2**, on the day of 'Kalipuja' at night a hot altercation took place in between his sister and the accused persons. For the said reason, she lodged complaint. **PW-2**, in his cross examination, clearly mentioned that she lodged complaint due to misunderstanding in between his sister and her husband.

21. Considering the evidence of the victim and her elder brother, it is crystal clear that they have not supported the case of the prosecution. Their evidence is utterly in contradiction with the version of the victim in the written F.I.R. There are material discrepancies in their evidence. They are not credible witnesses and as such, their evidence is not reliable.

22. **PW-3** is the I.O of this case who stated all which he did during his

investigation and his act of submission of charge sheet on 28.12.2015.

23. In the above premises, I am of the clear view that the evidence of the PWs makes the prosecution case doubtful and disbelievable.

24. Therefore, in absence of cogent, trustworthy and corroborative evidence, there is no room of doubt that the prosecution has miserably failed to bring home the charges against the accused persons and accordingly, they deserve an order of acquittal.

25. **All the three (03) points of consideration are accordingly answered in negative and disposed of.**

Hence, it is,

O R D E R E D

both the accused persons facing trial, viz., **Ramkrishna Chakraborty and Hiranmoy Chakraborty (A-1 & A-2) are found and held not guilty for the offences punishable under Sections 126(2)/115(2)109/3(5) of B.N.S and accused Hiranmoy Chakraborty (A-2) is found and held not guilty for the offence punishable under Section 74 of B.N.S** and they are hereby acquitted from this case under Section 258(1) of the B.N.S.S.

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

The seized alamats, if any, be destroyed 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.

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