

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. 121/2025</u> <u>Sessions Trial No. 04(07)25</u> <u>C.I.S. No. 121/2025</u> <u>CNR No. WBPU01-001499-2025</u> DATE OF JUDGMENT : <u>15th day of June, 2026</u>	
COMPLAINANT	STATE OF WEST BENGAL
REPRESENTED BY	Advocate Amiya Kumar Banerjee Public Prosecutor in-charge
ACCUSED	Kuldip Bauri, Asit Bauri @ Asit Kumar, Jyotsna Bauri @ Rasan Devi and Sachin Bauri @ Sachin Kumar Bauri
REPRESENTED BY	Advocate Bholanath Sarkar

Date of Offence	09.12.2024
Date of FIR	14.02.2025
Date of Charge sheet	30.03.2025
Date of Framing of Charges	14.07.2025
Date of commencement of Evidence	03.12.2025
Date on which Judgment is reserved	---
Date of Judgment	15.06.2026
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	Kuldip Bauri	Surrendered on 03.03.25	03.03.25	U/s 126(2)/115(2)/76/3(5) of B.N.S	Acquitted	N/A	N/A
A-2	Asit Bauri @ Asit Kumar	Surrendered on 03.03.25	03.03.25	U/s 126(2)/115(2)/76/3(5) of B.N.S	Acquitted	N/A	N/A
A-3	Jyotsna Bauri @ Rasan Devi	Surrendered on 03.03.25	03.03.25	U/s 126(2)/115(2) 351(2)/3(5) of B.N.S	Acquitted	N/A	N/A
A-4	Sachin Bauri @ Sachin Kumar Bauri	Surrendered on 03.03.25	03.03.25	U/s 126(2)/115(2)/76/3(5) of 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	Father of victim girl
PW-2	Name not disclosed	Mother of victim girl
PW-3	Name not disclosed	Victim Girl
PW-4	Chandan Bauri	Other witness (scribe)

LIST OF DEFENCE WITNESS Both		
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 the signature of scribe	PW-4
2.	P1/1	Signature of the defacto complainant on written complaint	PW-1
3.	P2	Statement of PW-2 recorded u/s 183 BNSS	PW-2
4.	P2/1 and P2/2	Signatures of PW-2 on her 183 BNSS statement	PW-2
5.	P3	Statement of V.G recorded u/s 183 BNSS	PW-3
6.	P3/1	Signature of PW-3 on her 183 statement	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 Section 126(2)/115(2)/76/351(2)/3(5) of Bharatiya Nyaya Sanhita, 2023.
2. The fact of the prosecution case is that the defacto complainant lodged a written complaint before the I.C, Purulia(T) P.S to the effect that his daughter filed a rape case against accused Kuldip Bauri and for that, on 09.12.2024 he along with his daughter came to Purulia Court. At about 12.00 noon, Kuldip and his family members called him, his wife and daughter outside the first gate of the court and threatened them with dire consequences, if they do not withdraw the same rape case. They did not agree and as a result, accused Kuldip, Sachin and Asit Bauri assaulted them by fists and blows and outraged the female modesty of his wife and daughter by tearing their ‘saree’ and blouse. Accused Jyotsna Bauri abused them with filthy languages. Seeing these, the passerby public assembled there and the accused persons fled away after leaving them.
3. On the basis of the said written complaint, Purulia (T) P.S Case No. 65/25 dated 14.02.2025 was started against all the four (04) accused persons namely, Kuldip Bauri, Sachin Bauri, Asit Bauri and Jyotsna Bauri under Sections

126(2)/115(2)/76/351(2)/3(5) B.N.S.

4. A.S.I Goutam Sen of Purulia(T) P.S was entrusted to investigate the case, who after completion of the investigation, submitted charge sheet being no. 87/25 dated 30.03.2025 against all the four (04) F.I.R named accused persons (A-1 to A-4) under Sections 126(2)/115(2)/76/351(2)/3(5) B.N.S.

5. The Ld. Chief Judicial Magistrate, Purulia on 14.05.2025 committed this case to the court of learned Sessions Judge, Purulia under section 232 of B.N.S.S Cognizance was taken under Section 193 of the Code of Criminal Procedure by the learned Sessions Judge, Purulia and on 22.05.2025 he transferred the case to this court for trial and disposal. On 06.06.2025, this Court received the case record.

6. On perusing the charge sheet and the materials sent with it, on 14.07.2025 charge has been framed against all the four (04) accused persons above named (A-1 to A-4) under Sections 126(2)/115(2)/3(5) B.N.S and against A-1, A-2 and A-4 under sections 76/3(5) B.N.S and against A-3 under section 351(2) B.N.S The substance of charge under the above section 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 B.N.S.S. 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 B.N.S.S 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 all the three accused persons namely, A-1, A-2 and A-4 have committed any offence punishable under Sections 126(2)/115(2)/76/3(5) B.N.S ?

ii. Whether the accused person (A-3) has committed any offence punishable under Sections 126(2)/115(2)/351(2)/3(5) B.N.S ?

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

DECISION WITH REASONS

9. All the three 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 four (04) witnesses.

11. **The P.W. 1 is the father of the victim girl of this case.** In his examination-in-chief, he has deposed that on 14.02.2025, he lodged a complaint before Purulia (T) P.S. The accused persons assaulted his wife and daughter outside the first gate of the Court. They torn their 'sarees'. The accused persons brought her daughter before the Court forcefully in order to settle the rape case filed by her. His daughter secretly telephoned and informed about the aforesaid incident to him. After getting information, his wife and he himself came to the Court. On seeing them, his daughter was crying. His daughter was standing in bare feet and wore an old 'saree'. Her hair was not properly combed. The accused persons threatened them with dire consequences. After seeing that, he rushed to them and the accused persons fled away. For the aforesaid reason, he lodged a complaint. One Chandan wrote the complaint. After hearing and understanding the contents to be correctly written, he put his signature thereon. His signature on the written complaint had been marked as **Exbt. P1/1. In his cross examination,** he disclosed that he has two daughters. The V.G was the younger one. The elder's name was Lakshmi Bouri. His elder daughter was married at Munsiffdanga. Sagar Bouri is the husband of my elder daughter. He knew Chandan Bouri of Munsiffdanga. On 14.02.2025, the alleged incident took place. On 14.02.2025, he lodged complaint. On that date, rain was fall. He could not recollect the colour of

‘sarees’ wore by his wife and daughter on the date of alleged incident. In his F.I.R, he had not mentioned on the date of alleged incident his daughter came in the Court with bare feet, old ‘saree’ and without combing her hair. On the date of alleged incident, his wife and daughter were not medically examined. Subsequently, they were medically examined at their house. He had not handed over any medical documents of his wife and daughter to the police. Police did not take torn ‘sarees’ of his daughter and wife. He could not say the case number relating to rape. His daughter got married with Kuldip Bouri at Chirka Shiva Mandir in presence of both the families. On the date of alleged incident, he was interrogated by police. At the time of alleged incident, many people assembled there. He did not call any local person. He did not state anything before the Ld. Judge for the aforesaid incident.

12. The P.W. 2 is the mother of the victim girl of this case. In her examination-in-chief, she has deposed that on 14.02.2011, V.G got married with accused Kuldip Bauri. Previously, Kuldip Bauri committed rape upon her daughter at Raghuabpur more and accordingly, her daughter filed a rape case against Kuldip and after compromise, said Kuldip got married with her daughter. After marriage, V.G went to her matrimonial house. During stay at her matrimonial house, her husband and other in-laws members started torturing upon her. They created pressure upon her daughter to withdraw the aforesaid rape case from court. As her daughter could not fulfill their demand, they tortured upon her daughter. In the year 2011, after Kalipuja her daughter informed about the aforesaid incident to her over phone. On 09.12.2024, her daughter was brought to 1st Gate of the Purulia court by Kuldip. She alone came to the court and subsequently, her husband came on motorcycle. She found that her daughter was standing with torn ‘saree’ and bare feet. The accused threatened that he would not keep her daughter well, if case is not withdrawn. The accused persons assaulted herself and her daughter. The accused pushed her with force on vehicle and thereby, she sustained injury on her waist. The accused persons tore her ‘saree’. At the time of incident, many people assembled. At that time, rain was falling. After that, they returned their house. On 14th 2025, case was lodged by her husband at Purulia (T) P.S. She could not say the month. On interrogation, she stated all the facts to the I.O. She made statement before the Ld. Magistrate and the Ld. Magistrate

recorded her statement as per her version. After understanding that the same was recorded as per her version, she put her signatures on it. The 183 B.N.S.S statement had been marked as **Exbt. P2** and her signatures had been marked as **Exbt. P2/1 and P2/2. In her cross examination**, she disclosed that she has two daughters. The V.G is her youngest. Her elder daughter got married at Munshiffdanga. The marriage of V.G was solemnized at Chirka Shiba Mandir in presence of both the family members. After marriage, V.G stayed at her matrimonial house for 14/15 days. She knew Kuldip Bauri filed a case for restitution of conjugal right at Bokaro Court. In the said case, a settlement was held amongst them and it was decided that the V.G would go to her matrimonial house. After settlement, the V.G went to her matrimonial house and stayed there for three months. She could not recollect when the V.G came to their house from her matrimonial house. She could not say phone number of the V.G. She could not say when V.G informed about the incident to her over phone. She could not say who assembled at the court when the disturbance was held in the 1st Gate of the court. She did not inform her elder daughter and her husband about the disturbance happened at 1st Gate of the court. She did not inform before the court about the aforesaid disturbance. After the alleged incident, they went to Purulia (T) P.S and narrated the incident to the Daroga Babu who wrote it down on a document. She was medically treated at Deben Mahato Government Medical College and Hospital, Purulia. After two months of the alleged incident, her husband lodged complaint. She could not say what was written in the complaint. She could not recollect when she was interrogated by police and recorded her statement by the Ld. Magistrate. She did not hand over her torn wearing apparels to the police. She stated to the Ld. Magistrate that they created pressure upon her daughter to withdraw the aforesaid rape case from court and as her daughter could not fulfill their demand, they tortured upon her daughter and the accused threatened that he would not keep her daughter well, if case is not withdrawn and the accused pushed her with force on vehicle and thereby she sustained injury on her waist.

13. **The P.W. 3 is the victim girl of this case.** In her examination-in-chief, she has deposed that on 11.10.2024, the alleged incident took place. On the relevant date, she went to see 'mela'. During stay at 'mela', the accused Kuldip

telephoned her and subsequently came before her. Kuldip tried to take her out of 'mela' but she raised objection. But, ultimately, he took her forcefully to Raghampur filed and committed rape upon her forcibly by showing knife. She made statement before the Ld. Magistrate and the Ld. Magistrate 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. The 183 B.N.S.S statement had been marked as **Exbt. P3** and her signature had been marked as **Exbt. P3/1**. **In her cross examination**, she disclosed that whatever she stated in her examination in chief, she stated the same before the Ld. Magistrate or the I.O of this case.

14. **The P.W. 4**, in his examination-in-chief, he has deposed that he knew the defacto complainant Rajendra Bauri. As per instruction and dictation of the complainant, he wrote the complaint. After completion of writing, the contents of the complaint was read over and explained to complainant and after hearing and understanding the contents of the complaint to be correctly written, complainant put his signature thereon. He also put his signature on the written complaint as scribe. The complaint written and signed by him as scribe which had been marked as **Exbt.P1**. **In his cross examination**, he disclosed that there is no endorsement in the written complaint showing that the complaint was written as per instruction of the defacto complainant. He had no personal knowledge about the alleged incident.

15. These all are the evidence which I have in this case.

16. The prosecution case as reflected from the written complaint (**Exhibit P1**), in brief, is that daughter of the defacto complainant filed a rape case against accused Kuldip Bauri and for that, on 09.12.2024 he along with his daughter came to Purulia Court. At about 12.00 noon, Kuldip and his family members called him, his wife and daughter outside the first gate of the court and threatened them with dire consequences, if they do not withdraw the same rape case. They did not agree and as a result, accused Kuldip, Sachin and Asit Bauri assaulted them by fists and blows and outraged the female modesty of his wife and daughter by tearing their 'saree' and blouse. Accused Jyotsna Bauri abused them with filthy languages.

17. The written complaint was written by one Chandan Bauri (**PW-4**). After hearing and understanding the contents of the complaint to be correctly written, the defacto complainant (**PW-1**) put his signature thereon (**Exhibit P1/1**).

18. The F.I.R makes it clear and establish that on 09.12.2024 at about 12.00 noon the alleged incident took place outside the first gate of the Purulia Court. It is specifically mentioned that among the accused persons, who committed what offence upon whom. As per F.I.R, **i)** all the four accused persons threatened the defacto complainant and his wife (**PW-2**) and the daughter i.e. the V.G (**PW-3**) with dire consequences, if rape case filed against accused Kuldip Bauri is not withdrawn. **ii)** Accused Kuldip, Sachin and Asit assaulted them with fists and blows and outraged the female modesty of the wife and daughter of the defacto complainant by tearing their 'saree' and blouse. **iii)** Accused Jyotsna Bouri abused them with filthy languages.

19. Considering these, I find that **PW-1 to PW-3** all were present at the P.O at the time of alleged incident. Undoubtedly, it can be safely said that they all personally witnessed the entire incident as alleged.

20. Now, let's see how far they corroborated the case of the prosecution by adducing their evidence.

21. On perusing the evidence of V.G (**PW-3**), I am very much surprised to see that PW-3 stated not a single line as regards the occurrence of the alleged incident. Supporting the case of the prosecution, she stated nothing and remained completely silent. During evidence, she had not made allegation against the accused persons. I find no incriminating materials in her evidence. Her evidence has got no connection with the present prosecution case.

22. Considering her evidence, it appears to me that she deposed in respect of rape case which she filed earlier against the accused Kuldip Bauri. Therefore, I am of the view that she has not supported the case of the prosecution at all. Her evidence itself is very much contradictory to the present prosecution case.

23. From the statement of the V.G recorded u/s 183 BNSS (**Exhibit P3**), I find

that she stated so many facts which had not been mentioned in the written F.I.R. She exaggerated the alleged facts of F.I.R. Her 183 statement is utterly in contradiction with her version in the oral testimony before the court.

24. On perusal of the evidence of the defacto complainant (**PW-1**) i.e. the father of the V.G, it transpires that he did not say the exact date and time of the occurrence of the alleged incident. **PW-1** deposed that his daughter was standing in bear feet and wore an old 'saree' and her hair was not properly combed, but such facts had not been mentioned in the written F.I.R. He made an evasive allegations. **PW-1**, in support of the case of the prosecution, has not made any specific allegation against a particular accused person. There is material discrepancies in his evidence. His evidence is insufficient to establish a direct link between the accused and the crime.

25. **PW-2**, being the mother of the V.G, deposed various facts which have got no relevancy with the present prosecution case. Those facts are-- Kuldip got married with her daughter. After marriage, she went to her matrimonial house. During stay at her matrimonial house, her husband and other other in-laws members started torturing upon her. They created pressure upon her daughter to withdraw the aforesaid rape case from court. As her daughter could not fulfill their demand, they tortured upon her daughter. In the year 2011, after Kalipuja her daughter informed about the aforesaid incident to her over phone.

26. **PW-2** also exaggerated the alleged facts of F.I.R by deposing that she found that her daughter was standing with torn 'saree' and bare feet. The accused pushed her with force on vehicle and thereby she sustained injury on her waist.

In her evidence, I do not find any specific allegation against any specific person. She made an evasive allegation against all the accused persons.

27. Her 183 BNSS statement (**Exhibit P2**) also makes it clear that her statement before the Ld. Magistrate bristles with contradictions. Her statement has not supported the case of the prosecution.

28. Having considered their entire evidence, I have no hesitation to hold that their

evidence have not supported with each other on material points, though they all were eye witnesses of the alleged incident. Their evidence suffer from inherent incongruities. They are not the credible witnesses and as such, their evidence are not trustworthy. So, it is crystal clear that the evidence of **PW-1 to PW-3** makes the prosecution case doubtful and disbelieveable.

29. **PW-4**, being the scribe of the complaint, stated that he wrote the complaint as per instruction of the defacto complainant and put his signature thereon as scribe. During evidence, he proved the written complaint with his signature (**Exhibit P1**).

30. In this case, no independent witness was examined by the prosecution, though it is evident that many passerby people assembled at the P.O at the time of alleged incident.

31. The prosecution failed to examine the I.O of this case.

32. Therefore, in absence of cogent and trustworthy evidence, the prosecution has miserably failed to bring home the prosecution case and as such, I am constraint to hold that the accused persons are entitled to get acquittal from the instant case.

33. **All the three points of consideration are accordingly answered in negative and disposed of.**

Hence, it is,

O R D E R E D

that the accused persons facing trial namely, **Kuldip Bauri, Asit Bauri @ Asit Kumar and Sachin Bauri @ Sachin Kumar Bauri (A-1, A-2 and A-4)** are found and held not guilty for the offences punishable under Section 126(2)/115(2)/76/3(5) of B.N.S and accused namely, **Jyotsna Bauri @ Rasan Devi (A-3)** is found and held not guilty for the offences punishable under Section 126(2)/115(2)/351(2)/3(5) 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.