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|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------|
| <p style="text-align: center;"><b>IN THE COURT OF THE ADDITIONAL SESSIONS JUDGE,</b><br/><b>FAST TRACK COURT – 1, PURULIA.</b></p> <p>Present : <b>Sri Somak Das (J.O. Code-WB00944)</b><br/>Additional Sessions Judge,<br/>Fast Track Court No. -1, Purulia</p> <p style="text-align: center;"><u><b>Sessions Case No. 191/2024</b></u><br/><u><b>Sessions Trial No. 06(07)25</b></u><br/><u><b>C.I.S. No. 191/2024</b></u><br/><u><b>CNR No. WBPU01-002066-2024</b></u></p> <p style="text-align: center;"><b>DATE OF JUDGMENT : <u>9<sup>th</sup> day of June, 2026</u></b></p> |                                                                 |
| <b>COMPLAINANT</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | <b>STATE OF WEST BENGAL</b>                                     |
| <b>REPRESENTED BY</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | <b>Advocate Swapan Majumdar<br/>Public Prosecutor in-charge</b> |
| <b>ACCUSED</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <b>Suresh Paramanik @ Suraj</b>                                 |
| <b>REPRESENTED BY</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | <b>Advocate Sukla Ghosal</b>                                    |

|                                    |                                     |
|------------------------------------|-------------------------------------|
| Date of Offence                    | Since long and lastly on 04.04.2024 |
| Date of FIR                        | 04.04.2024                          |
| Date of Charge sheet               | 31.05.2024                          |
| Date of Framing of Charges         | 19.07.2025                          |
| Date of commencement of Evidence   | 10.12.2025                          |
| Date on which Judgment is reserved | ---                                 |
| Date of Judgment                   | 09.06.2026                          |
| Date of Sentencing Order, if any   | NIL                                 |

| <b>ACCUSED DETAILS</b> |                          |                |                         |                       |                                |                  |                                                                               |
|------------------------|--------------------------|----------------|-------------------------|-----------------------|--------------------------------|------------------|-------------------------------------------------------------------------------|
| 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                    | Suresh Paramanik @ Suraj | 04.04.24       | 07.05.24                | U/s 417/376 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 girl                                                                                                     |
| PW-2                        | Name not disclosed      | Father of victim girl                                                                                           |
| PW-3                        | Name not disclosed      | Mother of victim girl                                                                                           |
| PW-4                        | Dr. Tapas Sinha         | Medical witness                                                                                                 |
| PW-5                        | Balaram Sahis           | Brother of victim girl                                                                                          |
| PW-6                        | Dr. Shobhan Roy         | Medical witness                                                                                                 |
| PW-7                        | S.I. Nimai Chandra Nemo | Investigating Officer                                                                                           |

| 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 her signature                                                                     | PW-1           |
| 2.                           | P1/1          | Receiving endorsement along with signature of S.I Uttam Chatterjee of Barabazar P.S on written complaint | PW-7           |
| 3.                           | P2            | Statement of V.G recorded u/s 164 Cr. P.C                                                                | PW-1           |
| 4.                           | P2/1 and P2/2 | Signatures of V.G on her 164 statement                                                                   | PW-1           |
| 5.                           | P3            | Seizure list dated 04.04.2024 of wearing apparels and Admit Card of the V.G                              | PW-7           |
| 6.                           | P3/1          | Signature of V.G on the seizure list dated 04.04.2024                                                    | PW-1           |
| 7.                           | P3/2          | Signature of PW-2 on the seizure list dated 04.04.2024                                                   | PW-2           |
| 8.                           | P4            | Consent form for medical examination of the V.G                                                          | PW-4           |
| 9.                           | P4/1          | Medical examination report of V.G                                                                        | PW-4           |
| 10.                          | P5            | Consent form for medical examination of the accused                                                      | PW-6           |
| 11.                          | P6            | Medical examination report of accused                                                                    | PW-6           |
| 12.                          | P7            | Formal F.I.R                                                                                             | PW-7           |
| 13.                          | P8 series     | Rough sketch map and index of the P.O                                                                    | PW-7           |
| 14.                          | P9            | Seizure list of wearing apparels of accused dated 04.04.2024                                             | PW-7           |
| 15.                          | P10           | Seizure list dated 05.04.2024 of vaginal swab and smear of the V.G                                       | PW-7           |
| 16.                          | P11           | Seizure list dated 06.04.2024 of uretharal swab and smear of the accsued                                 | PW-7           |

| 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 417/376 of I.P.C.
2. The fact of the prosecution case is that the defacto complainant /V.G lodged a written complaint before the I.C Barabazar P.S to the effect that since long time, there was love affairs in between herself and the accused person. He, on promise to marry her, used to cohabit with her on several times as husband and wife. When she asked him to marry, the accused avoided her. She came to know about his plan that he made preparation for marriage with one girl of Herbona village secretly. Knowing his such plan she went to the house of the accused and told him to marry her, then he misbehaved with her and drove her out from his house and informed her that accused would not marry her. On 04.04.2024, in the morning, he on promise to marry her made sexual intercourse with her for the last time at ‘Suknibasa jungle’. Over the said incident, she lodged complaint.
3. On the basis of the said written complaint, Barabazar P.S Case No. 56/24 dated 04.04.2024 was started against the accused namely, Suraj Paramanik under Sections 417/376 I.P.C.
4. S.I Nimai Chandra Nemo of Barabazar P.S was entrusted to investigate the case, who after completion of the investigation, submitted charge sheet being no. 81/24 dated 31.05.2024 against sole accused person (A-1) under Sections 417/376 I.P.C.
5. The Ld. Chief Judicial Magistrate, Purulia on 01.08.2024 committed this case to the court of learned Sessions Judge, Purulia under section 209 Cr. P.C. Cognizance was taken under Section 193 of the Code of Criminal Procedure by

the learned Sessions Judge, Purulia and on 27.08.2024 she transferred the case to this court for trial and disposal. On 30.08.2024, this Court received the case record.

6. On perusing the charge sheet and the materials sent with it, on 19.07.2025 charge has been framed against sole accused person above named (A-1) under Sections 417/376 I.P.C. 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 313 Cr.P.C. 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 313 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 person, the following points are framed for adjudication.

i. Whether the accused person has committed any offence punishable under Sections 417/376 I.P.C ?

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 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 seven (07) witnesses.

11. **The P.W. 1 is the victim girl of this case.** In her examination-in-chief, she has deposed that she lodged a complaint against Suresh Paramanik @ Suraj. Since long time, she had love affairs with the accused. He promised her to marry. On such promise, on 4<sup>th</sup> April, 2024 the accused committed rape upon her forcibly at Suknibasa forest. When she asked him to marry, the accused did not pay any heed and avoided her. When the accused did not marry her, she filed this case at Barabazar P.S. One Arabinda Singha Mahapatra wrote the complaint as per her instruction. The contents of the complaint was read over and explained to her and after hearing and understating the contents of the complaint to be correctly written, she put her signature thereon. The written complaint had been marked as **Exbt. P1**. 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 signatures on it. The 164 Cr.P.C statement had been marked as **Exhibit P2** and her signatures had been marked as **Exbts. P2/1 and P2/2**. Police seized her wearing apparels and original Admit Card produced by her by preparing a seizure list in presence of witnesses. She also put her signature thereon which had been marked as **Exbt. P3/1**. She was medically examined by the doctor of Deben Mahato Government Medical College and Hospital, Purulia with her consent. She put her L.T.I on a consent form and medical examination report. **During her cross examination**, she stated that she along with the accused used to visit and cohabit at 'Suknibasa' forest on several occasions. She met him without informing her parents. She met him from school, tuition.

12. **The P.W. 2 is the father of victim girl of this case.** In his examination-in-chief, he has deposed that V.G lodged a complaint against Suresh Paramanik @ Suraj. The accused, on promise to marry his daughter, forcefully committed rape upon her at Suknibasa forest. After knowing the aforesaid incident from his daughter, he along with his two sons and V.G went to the house of the accused and asked him to marry his daughter but he denied to marry her. For the aforesaid reason, his daughter lodged a complaint before Barabazar P.S. Police seized the wearing apparels and one original Admit Card of his daughter in his presence by preparing a seizure list wherein he put his signature which had been marked as **Exbt.P3/2**. Subsequently the original Admit Card of his daughter was returned to

him. **During his cross examination**, he stated that the distance in between his house and Suknibasa forest is about 6 kilometers. There are two villages intervened in between his village and Suknibasa forest. He could not recollect the exact date when his daughter went to Suknibasa forest and the exact date of the occurrence of alleged incident of rape.

13. **The P.W. 3 is the mother of victim girl of this case.** In her examination-in-chief, she has deposed that V.G lodged a complaint against Suresh Paramanik @ Suraj. The accused, on promise to marry her daughter, forcefully committed rape upon her at Suknibasa forest. Subsequently, the accused did not marry her. After knowing the aforesaid incident from her daughter, she along with others went to the house of the accused and asked him to marry her daughter but he denied to marry her. For the aforesaid reason, her daughter lodged a complaint before Barabazar P.S. **During her cross examination**, she stated that she could not say the distance in between her house and Suknibasa forest. She could not recollect the exact date when her daughter went to Suknibasa forest. She could not say the exact date of the occurrence of alleged incident of rape. She could not recollect the exact date when her daughter lodged complaint.

14. **The P.W. 4 (Medical Officer)**, in his examination-in-chief, he has deposed that on 05.04.2024, he was posted as Medico Legal Expert, Department of Forensic Medicine and Toxicology at Deben Mahato Government Medical College and Hospital, Purulia. On that day, in connection with Barabazar P.S. case no. 56/24 dated 04.04.2024 under Sections 417/376 I.P.C, he examined the V.G. The medical examination of the V.G was done with the consent of the V.G in presence of Usha Mahato (GD Staff) of the said Medical College and Hospital. The V.G was brought and identified to him by S.I of police Nimai Chandra Nemo of Barabazar P.S. The V.G put her signature on a separate consent form prepared by him and the consent form had been marked as **Exbt. P4**. After examination of the V.G he prepared the medical examination report of the V.G vide Memo No. DMGMCH/FMT/24/MEDFX(F)/80 dated 05.04.2024 and the medical report of the V.G had been marked as **Exhibit P4/1**. **During his cross examination**, he stated that on examination, he found no recent injury over the genital area and private parts of the body. No foreign body was detected in the private parts of the

V.G.

15. **The P.W. 5**, in his examination-in-chief, he has deposed that the V.G is his elder sister who lodged a complaint before Barabazar P.S against Suresh Paramanik. 1/ 1½ years ago the alleged incident took place. The accused on promise to marry his elder sister committed rape upon her at Suknibasa jungle. Subsequently, the accused did not marry his elder sister. For the aforesaid reason she lodged complaint. **During his cross examination**, he stated that he could not say the distance in between their house and the house of the accused. Suknibasa jungle is 5 kms. away from their house. He could not recollect the exact date when V.G went to Suknibasa jungle. He could not recollect when the alleged incident of rape was committed upon the V.G. The V.G voluntarily left their house and went to Suknibasa jungle with the accused.

16. **The P.W. 6 (Medical Officer)**, in his examination-in-chief, he has deposed that on 06.04.2024, he was posted as Assistant Professor at Department of Forensic Medicine and Toxicology of Deben Mahato Government Medical College and Hospital, Purulia. On that day, in connection with Barabazar P.S case no. 56/24 dated 04.04.2024 under Sections 417/376 I.P.C, he examined the accused Suresh Pramanik of the said case. The medical examination of the accused was done with the consent of the accused in presence of Shasanka Shekhar Mahato, Group-D Staff of Department of F.M.T, DMGMCH. The accused was brought and identified to him by S.I of police Nimai Chandra Nemo of Barabazar P.S. The accused put his signature on a separate consent form prepared by him and the consent form had been marked as **Exbt. P5**. After examination of the accused, he prepared the medical examination report of the accused vide Memo No. DMGMCH/FMT/24/MEDEX(M)/82 dated 06.04.2024 which had been marked as **Exbt. P6**.

17. **The P.W. 7 (Investigating Officer)**, in his examination-in-chief, he has deposed that on 04.04.2024, he was posted at Barabazar P.S as S.I. of police. On that day, on the basis of a written complaint being lodged by the V.G, Barabazar P.S case no. 56/24 dated 04.04.2024 under Section 417/376 I.P.C was initiated against Suraj Paramanik. The said complaint was received by the then S.I Uttam

Chatterjee of Barabazar P.S. His receiving endorsement along with his signature on the written complaint had been marked as **Exbt. P1/1**. Thereafter, S.I Uttam Chatterjee of Barabazar P.S prepared the formal F.I.R and I.C Barabazar P.S Inspector Partha Sarathi Chakraborty put his signature on it which had been marked as **Exbt. P7**. After being entrusted with the task of investigation, he perused the F.I.R. One LC examined the V.G at P.S and recorded her statement under Section 161 Cr.P.C. He also examined the available witnesses at P.S and recorded their statements 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 which had been marked as **Exbt. P8 series**. On 04.04.2024, he seized the wearing apparels of V.G and original Admit Card of West Bengal Board of Secondary Education as produced by her by preparing a seizure list with his signature which had been marked as **Exbt. P3**. On 04.04.2024, he held raid and arrested the accused person and on the next day forwarded him before the Ld. C.J.M, Purulia. On 04.04.2026, he seized the wearing apparels of the accused as produced by arrested accused by preparing a seizure list with his signature which had been marked as **Exbt. P9**. On 05.04.2024, he took the V.G to Deben Mahato Government Medical College and Hospital, Hatuara, Purulia 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 05.04.2024, he made prayer before the Ld. C.J.M, Purulia 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 on 10.04.2024, he obtained the copy of the said statement recorded under Section 164 Cr.P.C. On 05.04.2024, he seized the vaginal swab and smear of the V.G as produced by LC/3069 Sonali Sahis of Barabazar P.S by preparing a seizure list with his signature which had been marked as **Exbt. P10**. He made prayer before Ld. C.J.M, Purulia for medico legal examination of the accused and his prayer was allowed. On 06.04.2024, accused was medically examined by the doctor of Deben Mahato Government Medical College and Hospital, Purulia and on that very date, he collected medical report of the accused. On 06.04.2024, he seized the urethral swab and smear of the accused as produced by C/1246 Shaktipada Mahato of Barabazar P.S by preparing a seizure list with his signature which had

been marked as **Exbt. P11**. All the seized articles were sent to FSL for testing. Thereafter, on 31.05.2024 after taking permission from the superior officer, he submitted charge sheet being no. 81/24 dated 31.05.2024 in this case against the accused Suresh Paramanik @ Suraj under Section 417/376 I.P.C.

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

19. Ld. PP in-charge has argued that the accused committed rape on the victim (PW-1) on promise to marry her. The accused subsequently denied to marry her. PW-1 has corroborated the written F.I.R in her evidence. Hence, Ld. PP in-charge has prayed for conviction of the accused.

20. On the contrary, Ld. Advocate for the accused has submitted that both the V.G and the accused are adult and they loved with each other. Out of love affairs, they cohabited on several times voluntarily. So, the relationship, if any, in between them was consensual one. Hence, Ld. Advocate has prayed for acquitting of the accused person.

21. On perusing the evidence of **PW-1**, I find that since long time, she had love affairs with the accused. He promised her to marry. On such promise, on 4<sup>th</sup> April 2024 the accused committed rape on her forcibly at 'Suknibasa' forest. When she asked him to marry, the accused avoided her. When the accused did not marry her, she filed this case before Barabazar P.S. During evidence, she proved the written complaint with her signature (**Exhibit P1**).

22. Considering the evidence of **PW-1**, I am of the clear view that there are material discrepancies in her evidence. She has not supported the case of the prosecution at all. In the written F.I.R (**Exhibit P1**), there is no story of committing rape upon her by the accused. **Exhibit P1** does not show that the accused has used any threat, force or coercion upon the victim at the time of cohabitation. Rather, the version of the V.G in her written F.I.R is completely otherwise. She mentioned that the accused, on promise to marry her used to cohabit with her on several times as husband and wife. During her cross examination, **PW-1** further disclosed that she met the accused from the days of school and tuition without informing her parents. She along with the accused

used to visit and cohabit at 'Suknibasa' forest on several occasion.

23. During evidence, **PW-1** supporting the case of the prosecution had not deposed that after knowing the plan of the accused for marriage with another girl of Herbona villages secretly, she went to the house of the accused and when asked him to marry her, she was driven out from his house after misbehaving with her.

24. From the statement of the victim recorded u/s 164 Cr. P.C (**Exhibit P2**), it transpires that since last 7/ 7 ½ years she had love affairs with the accused. The accused on promise to marry her made physical relationship with her on several times at Manbazar Lodge, 'Jungle' and 'Sangurir jungle'. She also agreed to have sex with him.

25. Having considered the version of the victim in the written F.I.R and 164 statement, it is crystal clear that the V.G and the accused both were adult at the time of alleged incident. Since 7/ 7 ½ years, there was love affairs in between the V.G and the accused. Out of love affairs, they cohabited voluntarily. On promise of marriage, sexual intercourse was made in between them on several times at different places with her consent. She agreed to have sex with the accused. So, it can be said that the relationship, if any, was made in between the V.G and the accused was consensual one. So, considering the nature of the present case, it would not be wrong to say that the prosecution has failed to establish Section 375 of I.P.C against the accused person.

26. In this regard, the Supreme Court of India was pleased to observed that a consensual relationship based on a promise to marriage will not amount to the offence of rape.

27. It is evident from the evidence of the parents and brother of the V.G (**PW-2, PW-3 and PW-5**), it appears to me that they had no personal knowledge about the alleged incident. Their evidence are merely hearsay evidence. They all categorically deposed that the accused, on promise to marry the V.G, forcefully committed rape on her at 'suknibasa' forest.

28. So far as their evidence is concerned, I have earlier discussed that the physical relationship, if any, made in between them with the consent of the V.G. She gave consent to the accused to make physical relationship with her. So, section 375 of I.P.C does not lie against the accused person. **PW-5** disclosed that the V.G voluntarily left their house and went to 'suknibasa jungle' with the accused.

29. **PW-4** is the attending doctor who on 05.04.2024 examined the V.G with her consent at Deben Mahato Govenment Medical College and Hospital, Purulia and after examination, he prepared medical examination report of the V.G (**Exhibit P4 and P4/1**) respectively. On examination, he found no recent injury over the genetal area and private parts of the V.G. No foreign body was also detected in her private parts.

30. **PW-6** examined the accused with his consent and after examination, prepared medical examination report (**Exhibit P5 and P6**) respectively.

31. **PW-7** is the I.O who stated all which he did during his investigation and his act of submssion of charge sheet on 31.05.2024. During cross examination, he stated that he did not seize the Register of Manbazar Lodge.

32. In the present case, there is no evidence to show that at the very inception of the making of promise, the accused did not really entertain the intention of marrying the victim and promise to marry held out by him was a mere hoax.

33. In the light of above discussion, I have no hesitation to hold that the evidence of the PWs makes the prosecution case doubtful and disbelieveable. Therefore, the prosecution has miserably failed to prove its case against the accused person by cogent, trustworthy and unimpeachable evidence and accordingly, the accused person deserves an order of acquittal.

34. **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 namely, **Suresh Paramanik @ Suraj** is found and held not guilty for the offences punishable **under Sections 417/376 of**

**I.P.C** and he is hereby acquitted from this case under Section 235(1) of the Cr. P.C.

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

The seized alat, 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.