

**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. 181/2017
Sessions Trial No. 05(01)18
C.I.S. No. 1812017/17
CNR No. WBPU01-002190-2017

DATE OF JUDGMENT: 7th day of April, 2026.

COMPLAINANT	STATE OF WEST BENGAL
REPRESENTED BY	Advocate Sumanta Mukherjee Public Prosecutor in-charge
ACCUSED	Subodh Majhi
REPRESENTED BY	Advocate Abhishek Banerjee

Date of Offence	Since last two/three years prior to lodging the F.I.R
Date of FIR	18.08.2017
Date of Charge sheet	30.10.2017
Date of Framing of Charges	18.01.2018
Date of commencement of Evidence	18.12.2019
Date on which Judgment is reserved	---
Date of Judgment	07.04.2026
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	Subodh Majhi	20.08.17	25.01.18	U/S 417/493/376/420 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	Defacto complainant/V.L
PW-2	Sunil Majhi	Other witness
PW-3	Nabin Sahis	Cousin of the V.L
PW-4	Dr. Kalipada Murmu	Medical witness
PW-5	Mousumi Dutta	Other witness
PW-6	S.I Abhijit Singha	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.	1	Typed complaint	PW1
2.	1/1	Receiving endorsement along with signature of S.I Partha Kr. Bhuia of Kashipur P.S on the typed complaint	PW-6

3.	2	164 Statement of the V.L	PW-1
4.	3	Endorsement with signature of V.L on the Medical Examination Report	PW-1
5.	3/1	Medical Examination Report	PW-4
6.	4	Signature of V.L on the seizure list dated 25.08.2017	PW-1
7.	4/1	Seizure list dated 25.08.2017	PW-6
8.	5/1	Handwriting of PW-4 on the Printed Pathological Examination Form of Raghunathpur S.D Hospital	PW-4
9.	6	Seizure list dated 19.08.2017	PW-6
10.	6/1	Signature of PW-5 on seizure list dated 19.08.2017	PW-5
11.	7	Formal F.I.R	PW-6
12.	8 series	Rough sketch map and index of the P.O	PW-6
13.	9	Seizure list dated 20.08.2017	PW-6
14.	10	Seizure list dated 25.08.2017	PW-6

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 Sections 417/493/376/420 of the Indian Penal Code, 1860, hereinafter, referred to as the I.P.C, in short.

2. The case of the prosecution, in brief, is that the defacto complainant/ V.L was the then Pradhan, Sonajuri G.P and the accused was the Secretary of Dubra G.P. The accused had visiting terms in her house and he used to take food and stay there. There was a love affairs in between them. Her family members accepted their relationship. The accused told her that he loved her very much and promised her to marry and taking that opportunity, the accused used to cohabit with her day by day and thereby, she became pregnant for three months. The accused made Registry marriage with her. When she asked him to marry her socially, the accused refused to marry her. The victim further mentioned that subsequently, she came to know that the accused had a wife and son. After knowing their relationship, his wife filed a criminal case under section 498A I.P.C against herself, accused and his family members before the Asansol Court. The accused through his henchmen threatened her to abort the pregnancy.

3. On the basis of the said typed complaint, Kashipur P.S. Case No. 110/17 dated 18.08.2017 was started against the accused person namely, Subodh Majhi under Sections 493/417/420/376 of the I.P.C.

4. S.I Abhijit Singha was entrusted to investigate the case, who after completion of the investigation, submitted charge sheet being no. 105/17 dated 30.10.2017 against the F.I.R named accused person under Sections 493/417/420/376 of the I.P.C.

5. The Ld. Additional Chief Judicial Magistrate, Raghunathpur on 10.11.2017 committed this case to the court of learned Sessions Judge, Purulia. Cognizance was taken by the learned Sessions Judge, Purulia and on 11.12.2017 he was further pleased to transfer the case to this court for trial and disposal. On 16.12.2017, 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 18.01.2018, charge has been framed against the accused person above named under Sections 417/493/376/420 of the I.P.C. The substance of charge under the above sections 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 of the 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 examination of the accused person 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 person the following points are framed for adjudication.

- i. Whether the accused person has committed any offence punishable under Sections 417/493/376/420 of the 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. All the two points are taken up together for consideration for the sake of convenience and as they are interrelated.

10. The prosecution to establish the occurrence and to bring home the charges as levelled against the accused person has examined as many as six (06) witnesses.

11. **The P.W 1 (defacto complainant/V.L)** in her examination-in-chief, has deposed that she lodged written F.I.R against accused Subodh Majhi to the S.P, Purulia. The said F.I.R was typed as per her instruction and she signed the said F.I.R (**Exhibit 1**). At the relevant time, she was the Pradhan of Sonajuri Gram Panchayat and the accused was the secretary of the Panchayat. There was a love affairs in between herself and the accused. The accused promised to marry her and also cohabited with her at her house. Their marriage was registered also. Subsequently, the accused started to avoid her and also refused to marry her socially. Then, she lodged the F.I.R. She also gave her statement before the Ld. Magistrate and she signed on the said statement. Her statement recorded u/s 164

Cr.P.C (**Exhibit 2**). She was medically examined by the doctor at Raghunathpur Super Specialty Hospital. She signed the medical report to ensure her consent for medical test. Her endorsement with signature on the medical report (**Exhibits 3**). The police seized her wearing panty and nighty by preparing a seizure list and she signed on the same. Her signature on the seizure list dated 25.08.2017 (**Exhibit 4**). **In her cross examination**, she disclosed that the written F.I.R was typed in the court premises but she could not say who typed the same. She did not remember the contents of the same. She did not remember the contents of the statement given by her before the learned Judicial Magistrate. The dates of cohabitation was not mentioned in the F.I.R or in the statement recorded by the Ld. Magistrate. She was adult at the time of the incident and she gave consent for the cohabitation by the accused. She was residing with the accused as his wife. The instant case was filed because of some misunderstanding with the accused.

12. **The P.W 2**, in his examination-in-chief, has deposed that he knew the V.L, who was 'Pradhan' of Gram Panchayet. He also knew the accused. He did not know anything about the alleged incident. The V.L was unmarried. He had never seen the accused in the house of the V.L. Bhagirath Sahis was not in their village. He was working outside of their village. He was declared as 'hostile' by the prosecution.

13. **The P.W 3**, in his examination-in-chief, has deposed that V.L was the daughter of his 'Jetha'. Once upon a time, the V.L was 'Pradhan' of Gram Panchayet. When the V.L was 'Pradhan', many people used to come to the house of the V.L for work purpose. The accused was an employee of Gram Panchayet. He did not know anything about the alleged incident. He also did not hear anything. The V.L was an unmarried. He was also declared 'hostile' by the prosecution.

14. **The P.W 4 (Medical Officer)**, in his examination-in-chief, has deposed that on 19.08.2017, he was posted at Raghunathpur S.D Hospital as M.O. On that day, he examined the V.L of Kashipur P.S case no. 110/17 dated 18.08.2017 with her consent. The said V.L was brought to him by LC/92 Mousumi Dutta of Kashipur P.S. The examination of the V.L was conducted in presence of staff nurse Padma Chakraborty of the said hospital. The medical examination report

dated 19.08.2017 prepared by him (**Exbt. 3/1**). He also filled up printed portion of the pathological examination form of Raghunathpur S.D Hospital in his own handwriting. The handwriting in the printed form of pathological examination report (**Exbt. 5/1**). **In cross examination**, he disclosed that he did not write the father's/husband's name and address of the patient. If any patient went to hospital, first the pathological examination form was filled up and thereafter, that patient was sent for diagnosis. Apart from the printed portion of Exbt. 5/1, he did not write anything. He was expert in Gynecology and Obstetrics.

15. **The P.W 5**, in her examination-in-chief, has deposed that on 19.08.2017, she was posted at Kashipur P.S as lady constable. On that day, she took V.L to Raghunathpur S.D Hospital for her medical examination and she identified the V.L before the doctor. She also collected one sealed packet paper containing vaginal swab of the V.L after examination of her by Dr. Kalipada Murmu and handed over the same to I.O and I.O seized the same by preparing a seizure list and she put her signature on it (**Exbt. 6/1**).

16. **The P.W 6 (Investigating Officer)**, in his examination-in-chief, has deposed that on 18.08.2017, he was posted at Kashipur P.S as S.I. of police. On that day, on the basis of a written complaint being lodged by the V.L, Kashipur P.S case no. 110/2017 dated 18.08.2017 under Section 493/417/420/376 I.P.C was initiated against Subodh Majhi. The said complaint was received by the then O.C, Kashipur P.S, S.I Partha Kumar Bhuia of Kashipur P.S. His receiving endorsement along with signature on the written complaint (**Exbt. 1/1**). Thereafter, S.I Partha Kumar Bhuia of Kashipur P.S prepared the formal F.I.R and put his signature on it (**Exhibit 7**). After being entrusted with the task of investigation, he perused the F.I.R, examined the V.L at P.S with the help of LC/92 Mousumi Dutta of Kashipur P.S and recorded her statement under Section 161 Cr.P.C. Thereafter, he along with the V.L visited the P.O and prepared rough sketch map and index of the P.O (**Exhibit 8 series**). He examined the available witnesses at P.O and record their statements u/s 161 Cr. P.C. On 19.08.2017, he made prayer before the Ld. A.C.J.M, Raghunathpur for recording the statement of the V.L 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

20.08.2017, he obtained the copy of the said statement recorded under Section 164 Cr.P.C. On 19.08.2017, he took the V.L to Raghunathpur S.D hospital and she was medically examined there and he collected the report along with sealed packet containing vaginal swab of V.L. On that very date, he seized the vaginal swab and smear of the V.L as produced by LC/92 Mousumi Dutta of Kashipur P.S by preparing a seizure list with my signature **(Exbt.6)**. On 20.08.2017, he held raid and arrested the F.I.R named accused person and on the very date forwarded him before the Ld. A.C.J.M, Raghunathpur. On 20.08.2017, he seized the wearing apparels of the accused as produced by arrested accused by preparing a seizure list with his signature **(Exbt. 9)**. On 20.08.2017, he made prayer before Ld. A.C.J.M, Raghunathpur for medico legal examination of the accused and his prayer was allowed. On 25.08.2017, accused was medically examined by the doctor of Raghunathpur S.D. Hospital and on that very date, he collected medical report of the accused. On 25.08.2017, he seized the semen of the accused by preparing a seizure list with his signature **(Exbt. 10)**. On 25.08.2017, he seized the wearing apparels of the V.L as produced by her by preparing a seizure list with his signature **(Exbt.4/1)**. On 04.09.2017, he sent the seized alamats to F.S.L for testing. Thereafter, on 30.10.2017 after taking permission from the superior officer, he submitted charge sheet being no. 105/2017 dated 30.10.2017 in this case against the accused Subodh Majhi under Section 493/417/420/376 I.P.C.

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

18. Ld. P.P in-charge submitted that the accused cohabited with the victim **(PW-1)** on several occasions on promise of marriage. The accused subsequently refused to marry her. The **PW-1** has corroborated the typed F.I.R **(Exhibit 1)** in her evidence. Her evidence is sufficient to convict the accused.

19. On the other hand, the Ld. Advocate for the accused has argued that the prosecution has miserably failed to prove its case against the accused person. The evidence of **PW-1** itself is very much contradictory. The victim was adult at the time of alleged occurrence and the relationship, if any, in between the accused and the victim was consensual one. Subsequently, their marriage was registered. Ld. Advocate, thus, prayed for acquitting the accused.

20. On perusing the evidence of **PW-1**, I find that there was a love affairs in between herself and the accused. The accused promised to marry her and also cohabited with her at her house. Their marriage was registered also. **PW-1** stated in her cross-examination that she was adult at the time of incident and she gave consent for the cohabitation by the accused. She was residing with the accused as his wife. She further stated that due to misunderstanding with the accused, the instant case was filed. I find no evidence on record to show that the accused has used any threat, force or coercion upon the victim at the time of cohabitation.

21. From the statement of the victim recorded under section 164 Cr.P.C (**Exhibit 2**), it reveals that since last 2/3 years she had love affairs with the accused. He promised her to marry and on such promise, the accused made physical relationship with her. Their marriage was registered.

22. It is evidence from the case record that the victim (**PW-1**) is residing with the accused as his wife.

23. 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 the promise to marry held out by him was a mere hoax.

24. In the light of above discussion, I do not think further discussion on the evidence of other prosecution witnesses and other documentary evidence is necessary for the proper adjudication of this case.

25. Therefore, considering the entire evidence available on record, I find that there is no cogent, trustworthy and corroborative evidence to show that at the relevant time, the accused committed rape upon her on false pretext of marrying her. As such, I am to hold that the prosecution has miserably failed to bring home the charges levelled against the accused person.

26. As a result, the accused is entitled to be acquitted from this case.

27. **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, **Subodh Majhi (A-1)** is **found and held not guilty** for the offences punishable **under Sections 417/493/376/420 of the 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 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.