

Form A

IN THE COURT OF ADDITIONAL CHIEF JUDICIAL MAGISTRATE RAGHUNATHPUR, DISTRICT – PURULIA Present : Sarmistha Ganguly Additional Chief Judicial Magistrate, Raghunathpur, Purulia Date of the Judgment: 10th day of June, 2026 Case No. GR 418 of 2023 (Registration No. 16 of 2024) (CNR No.- WBPU060000282024)  (Arising from Kashipur P.S Case No. 91/2023 dated 06.07.2023 u/s. 498(A)/506 of the Indian Penal Code & Section 3 of D.P. Act)	
Complainant	State of West Bengal
Represented by	Name of the Advocate : Assistant Public Prosecutor
Accused	1. Somnath Mukherjee
Represented by	Name of the Advocate : Shri Partha Sarathi Mukhereje

FORM B

Date of Offence	Since after marriage i.e. on 10.05.2023
Date of F.I.R.	06.07.2023
Date of Police report	22.08.2023
Date of framing Charge against the accused	16.04.2024
Date of commencement of Evidence	21.03.2025
Date of examination of the accused u/s. 313 of the Cr.P.C.	10.06.2026
Date on which Judgment is reserved	
Date of Judgment	10.06.2026
Date of the Sentencing Order, if any	

Accused details:

Rank of the Accused	Name of Accused	Date of arrest/surrender	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.
1.	Somnath Mukherjee	17.03.2023	17.07.2023	u/s. 498A/506 IPC	Acquitted		

Form C

LIST OF PROSECUTION /DEFENCE /COURT WITNESSES

A. Prosecution:

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
P.W. 1	Puja Banerjee	Defacto complainant-cum-victim
P.W. 2	Rita Banerjee	Mother of the de facto complainant
P.W. 3	Baby Banerjee	Elder aunt of the de facto complainant
P.W. 4	Bhuban Chakraborty	Independent witness
P.W. 5	Sandip Kumar Neogi @ Sanatan	Independent witness
P.W. 6	Manas Chandra Dey	Independent witness
P.W. 7	Lakhikanta Roy	Independent witness
P.W. 8	Sanjoy Banerjee	Independent witness
P.W. 9	Swapan Paramanik	Independent witness
P.W. 10	Deep Banerjee	Elder brother of de facto complainant
P.W. 11	Mahadeb Chatterjee	Independent witness
P.W. 12	ASI Shyamal Chandra Mondal	Investigating Officer

B. Defence Witnesses, if any :

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
DW 1		
DW 2		

C. Court Witnesses, if any :

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
CW 1		
CW 2		

LIST OF PROSECUTION / DEFENCE / COURT EXHIBITS

A. Prosecution :

Sr. No.	Exhibit Number	Description
1.	Exhibit 1 as a whole by P.W-1	Written complaint
2.	Exhibit 1 /1 series by P.W-12	Receiving endorsement on the written complaint
3.	Exhibit 2 by P.W-12	Formal FIR
4.	Exhibit 3 series by P.W-12	Rough Sketch Map of the P.O. with Index
5.	Exhibit 4 by P.W-12	Seizure List dated 28.07.2023

B. Defence:

Sr. No.	Exhibit Number	Description
1.	Exhibit D-1 / D.W.1	
2	Exhibit D -2 / D.W.2	

C. Court Exhibits :

Sr. No.	Exhibit Number	Description
1	Exhibit C-1 / C.W.1	
2	Exhibit C-2 /C.W.2	

D. Material Objects:

Sr. No.	Material Object Number	Description
1	Mat Exhibit -1	
2	MO 2	

J U D G M E N T

Facts of the Prosecution Case :

The prosecution case has its genesis in a written complaint lodged by the de facto complainant ***Puja Banerjee before the O.C. Kashipur P.S.*** on 06.07.2023 to the effect that she had been married with the accused Somnath Mukherjee on 10.05.2023 as per Hindu rites and customs and that since her marriage, she has been subjected to physical and mental torture by the accused and was also threatened that she would be burnt to death. The complainant has further alleged that the accused also attempted to strangle her on one occasion and further abused and insulted her family members and told the complainant often that she was not liked by him. It has also been alleged by the complainant that she came to learn from reliable sources that her husband was having illicit relationship with another lady and after concealing the said fact, the marriage had been solemnized with her and it is on account of the said fact that the complainant was subjected to such torture after her marriage in spite of the fact that several articles of dowry including furniture, gold ornaments etc. had been given at the time of her marriage as per the demand of her husband and other in-laws. Hence, the present written complaint has been lodged by the complainant against the accused person with the prayer for punishing him as per the existing provisions of law.

On receipt of the aforesaid complaint, the **O.C. of Kashipur P.S.** started **Kashipur P.S Case No. 91/2023 dated 06.07.2023** under sections **498(A)/506 of IPC** against the sole accused person which culminated into the submission of charge-sheet against the sole accused person for the offence punishable under sections **498(A)/506 of IPC.**

Thereafter, charge have been framed against the sole accused person **for the offences punishable u/s. 498(A)/506 of IPC** and the contents of the charges for the above offences have been read over and explained to the sole accused person in his local language, to which the sole accused person has pleaded not guilty and claimed to be tried and hence, this trial.

After closing the evidence of the prosecution, the sole accused person has been examined **under section 313 of Cr.P.C.**, wherein the accused person has declined to adduce any defence witness. The defence plea, as appearing from the trends of cross examination of the prosecution witnesses and examination of the accused person under section 313 of Cr.P.C. and the submission of the Ld. Defence Counsel, is bearing the innocence of the sole accused person above named.

Points for Consideration

(1) Did the accused persons commit the offence punishable under sections **498(A)/506 of IPC?**

Decision with Reason

The prosecution has produced twelve witnesses to establish the charges leveled against the accused person. The defacto complainant in the present case, namely **Puja Banerjee (P.W.-1)** has stated in her deposition that she had lodged the written complaint in the present case against the accused person which has been drafted as per her instruction by one Baby Banerjee and that she had put her signature thereon after reading over the contents **(written complaint lodged by the complainant has been marked as Exhibit 1 as a whole).**

The complainant has further alleged that after her marriage in the year 2023 she has led peaceful matrimonial life till her Astamongala but subsequent to that her husband had started to assault her and often used to converse with another lady over telephone and on one occasion, the complainant find out that the name of the said lady had been one Rakhi. It has further been stated by the complainant that she had not been allowed to communicate with anybody including her parents over her mobile phone but somehow she had been able to inform her parents and on 02.07.2023 the parents of the complainant came to her matrimonial residence to settle the marital disputes with her husband but her husband attempted to assault the maternal uncle of the complainant who had been present there and after the said incident, the

complainant was compelled to return to her father's house. It has also been alleged by the complainant that her husband used to threatened her with dire consequences if she made attempt to inform others about the tortures inflicted upon her by him.

During her cross-examination, it has been admitted by the complainant that she had not lodged any complaint before any P.S. either on 02.07.2023 when she had returned to her matrimonial residence or on any other subsequent date till 06.07.2023 and that she has not stated any reasons for the delay in lodging the complaint in the present case.

The complainant has also admitted the fact that she had not lodged any complaint prior to 02.07.2023 at any P.S. regarding the alleged tortures inflicted upon her by her husband at her matrimonial residence. It has also been admitted by the complainant that though she has stated that the written complaint had been drafted as per her instruction by one Baby Banerjee but there is no endorsement on the written complaint to that effect.

One ***Rita Banerjee, being the mother of the complainant has adduced her evidence as PW-2***, who stated that after the marriage of her daughter with the accused Somnath Mukherjee on 10.05.2023, she had resided at her marital residence for just a week or 10 days and had thereafter come to learn that her husband was having illicit relations with one Munmun Bauri and that when the complainant had protested against the same, she had been assaulted by her husband and threatened that she would be burnt to death. The witness further stated that on 02.07.2023, her daughter had been assaulted by her husband and forced to quit her matrimonial residence subsequent to which she has been residing at her father's house till date.

At the time of her cross-examination, the said witness corroborated the evidence of her daughter and admitted the fact that they had not lodged any complaint against the accused husband either at Purulia(M) P.S. or at Kashipur P.S. on 02.07.2023 when her daughter had

been thrown out of her marital residence. The said witness also admitted the fact that nothing has been stated in the written complaint as to the reasons for delay in the lodging the same by the complainant.

PW-2 also clearly stated the fact that she had stated to the police during her interrogation that her son-in-law was having illicit relations with one Munmun Bauri which had been the cause of dispute between him and the complainant.

The ***elder aunt (jethima) of the complainant namely one Baby Banerjee deposed before this Court as PW-3*** and stated that after the marriage of the complainant with the accused on 10.05.2023, she had resided at her marital residence for just 7 days when the complainant had come to learn that her husband was having illicit relations with a lady subsequent to which there was matrimonial disputes between the complainant and her husband and on 02.06.2023, the complainant had been assaulted by her husband and threatened to be attacked with acid by him. The said witness however stated in her deposition that she had not been examined by the I.O. in the present case.

One ***Bhuban Chakraborty, Sandip Kumar Neogi @ Sanatan, Swapan Paramanik and one Mahadeb Chatterjee have been examined on behalf of the prosecution as independent witnesses but the said witnesses who adduced their evidence as PW-4, PW-5, PW-9 and PW-11*** respectively have failed to state anything regarding the facts of the present case and that PW-11 Mahadeb Chatterjee merely stated the fact that he had officiated as a Priest during the marriage of Puja Banerjee with the accused.

One ***Manas Chandra Dey, being one of the neighbours of the complainant adduced his evidence as PW-6*** and stated during his deposition that the complainant had returned to her father's house just after a month of her marriage with the accused on 10.05.2023 and had told that she had been physically assaulted by her husband at her matrimonial residence.

The said witness admitted during his cross-examination that he had not been examined by the I.O. in the present case.

One ***Lakhikanta Roy, being another neighbour of the complainant stated during his deposition as PW-7*** that after a month of the marriage of the complainant with the accused, she had been subjected to torture by her husband for which the complainant had returned to her father's house.

The said witness also admitted the fact that he had not been examined by the I.O. in this case.

One ***Sanjoy Banerjee, being another neighbour of the complainant deposed as PW-8*** and stated that he had heard from the family members of the complainant that the husband of the complainant was having illicit relations with another lady for which he had assaulted the complainant who returned to her father's house.

PW-8 also admitted that he had not been examined by the I.O. in the present case.

The ***elder brother of the complainant Deep Banerjee deposed before this Court as PW-10*** and stated during his deposition that subsequent to the marriage of his sister with the accused on 10.05.2023, she had been residing at her matrimonial residence but after some time had called him up and had informed him over telephone that she was being physically tortured by her husband and her parents-in-law at her marital home and was asked to quit her matrimonial residence and also threatened for the same and that he was also told by the complainant that her husband had developed illicit relations with another lady subsequent to which she was brought back to her father's house.

In his cross-examination, the said witness also admitted the fact that he had not been examined by the I.O. in the present case.

ASI Shyamal Chandra Mondal has been examined as the I.O in this case and he has stated during his deposition as PW-12 that after taking up investigation, he had visited the P.O at village Biltora under PS Purulia(M) along with the complainant and had prepared the rough sketch map of P.O along with index (**rough sketch map of the P.O along with index prepared by the I.O marked as Exhibit 3 series**), had examined the complainant and other available witnesses at the P.O. and had recorded their statement u/s. 161 of Cr.P.C., had served notice upon the accused person u/s 41A Cr.P.C., had seized the photograph of the marriage of the complainant and her marriage invitation card ***under a Seizure List dated 28.07.2023 which has been marked as Exhibit 4 as a whole*** and on conclusion of investigation, the I.O had submitted charge sheet against the sole accused person for the offences punishable **u/s. 498A/506 of IPC and Section 3 of D.P. Act.**

During his cross examination it has been admitted by the I.O that he had not recorded the statement of the father of the complainant during investigation of this case and that the said person had also not visited the P.S. on any occasion. The I.O. has also admitted the fact that the witness Baby Banerjee had not stated to him during her interrogation that she had scribed the written complaint as per the version of the complainant and that no complaint had been lodged by the complainant at Purulia (M) P.S. within whose jurisdiction the matrimonial residence of the complainant is located. The I.O. has also specifically admitted the fact that he had not cited one Joydeb Mukherjee and one Rambilas Neogi as charge-sheet witnesses though their residences are shown to be adjacent to the P.O. in the rough Sketch Map prepared by him and that the accused Rita Banerjee, being the mother of the complainant had not stated to him during her interrogation that her son-in-law being the accused herein was illicit relations with another lady.

Let us now scan the evidence on record to ascertain as to whether proper investigation has been made into the offences alleged against the accused persons in this case.

On careful perusal of the evidence on record including the oral testimony of the defacto complainant that though the last incident of alleged torture upon the defacto complainant had occurred on 02.07.2023, the FIR has been lodged on 06.07.2023 after a lapse of almost four days but there is no explanation given by the complainant in the written complainant or during her deposition as made before this court regarding the reason for the said inordinate delay in lodging the written complaint in the present case. In this respect, ***it has been the observation of the Hon'ble Supreme Court that delay in lodging FIR corrodes the credibility of the prosecution story and any delay in the matter creates a doubt if it is not properly explained. In the case of Meharaj Singh and others Vs. State of Uttar Pradesh and others, the Hon'ble Apex court has held that the object of insisting upon the prompt lodging of the FIR is to obtain the earliest information regarding the circumstances in which the crime was committed, including the name of the actual culprits and the parts played by them, the weapons, if any used, as also the names of the eye witnesses, if any and delay in lodging the FIR often results in embellishment, which is a creature of an afterthought and on account of delay, the FIR not only gets bereft of the advantage of spontaneity, but danger also creeps in of the introduction of a coloured version or exaggerated story.***

It further reveals that one Bhuban Chakraborty, Sandip Kumar Neogi @ Sanatan, Swapan Paramanik and one Mahadeb Chatterjee have been examined on behalf of the prosecution as independent witnesses but the said witnesses who adduced their evidence as PW-4, PW-5, PW-9 and PW-11 respectively have miserably failed to narrate anything regarding the facts of the present case and have thereby corroborate the contents of the FIR or the oral testimony of the defacto complainant or her near family members including her mother, elder aunt (jethima) and elder brother who are all interested witnesses in this case. ***It is important to highlight in this regard that in the case of Jagdish v. State of Madhya Pradesh (1981 AIR 1167, 1981 SCR (3) 689) , it has been observed by the Hon'ble Apex Court that if independent witnesses do not support the prosecution case, their non-support could cast serious doubt on the prosecution story.***

It also transpires from the evidence on record including the evidence of the defacto complainant and also the mother and the elder aunt of the complainant that except 02.07.2023, no other specific dates of torture upon the complainant has been stated either by the defacto complainant herself during her evidence adduce before the court or by any of the other prosecution witnesses. It also reveals in this respect that no documents have been handed over to the I.O by the complainant in respect of the alleged tortures made upon her by the accused person. ***In this context, it is important to note that the absence of a prior complaint of alleged torture under Section 498A IPC before the lodging of an FIR can be a relevant consideration in assessing the veracity and credibility of the allegations. In the case of Preeti Gupta v. State of Jharkhand, reported in (2010) 7 SCC 667, it has been observed by the Hon'ble Apex Court that in many cases, immediate family members are roped in without any credible allegations. The Hon'ble Court has also emphasized the need for strict scrutiny of allegations, especially when there was no prior complaint or proof of torture before the FIR .Further, in cases under Section 498A of the Indian Penal Code , which addresses cruelty by a husband or his relatives towards a wife, the specificity and clarity of allegations are crucial. Courts have consistently emphasized that vague or general accusations, lacking specific instances with dates, times, and locations, may not be sufficient to sustain a charge under this section. The absence of detailed allegations can lead to the dismissal or quashing of proceedings.***

Further, it also transpires that though three of the Prosecution witnesses namely one PW-6, namely Manas Chandra Dey, PW-7 ,namely Lakhikanta Roy and PW-8 Sanjoy Banerjee examined in this case have all specifically admitted the fact that they had not been interrogated by the I.O during the investigation of the present and hence they had been stated all the facts of the case for the first time before this court. ***It is important to note in this regard that in the Indian legal system, the examination of witnesses during the investigation phase by the Investigating Officer (IO) is crucial for building a robust prosecution***

case. However, situations may arise where certain witnesses are not examined during the investigation but are introduced for the first time during the trial. The non-examination of material witnesses by the IO can lead to significant challenges in the prosecution's case. The Hon'ble Supreme Court of India, in the case of Munna Lal v. State of Uttar Pradesh (2023), emphasized that the failure of the I.O to examine vital witnesses creates a material lacuna, thereby generating reasonable doubt about the prosecution's version. The Court observed that such omissions could undermine the credibility of the investigation and the evidence presented.

Considering the aforesaid discussions, this Court has no hesitation to hold that the prosecution has hopelessly failed to establish the charges and accusations leveled against the the sole accused person for the offences punishable under sections **498(A)/506 of IPC** and accordingly, the sole accused person above named is liable to be acquitted from the present case as well as from all the charges and accusations leveled against him under **section 248 (1) of the Code of Criminal Procedure.**

Hence, it is,

ORDERED

that the sole accused person, namely Somnath Mukherjee is found not guilty of the offence punishable under sections 498(A)/506 of the Indian Penal Code and accordingly, the sole accused person above named is hereby acquitted from the present police case as well as from all the charges and accusations leveled against him, in terms of the provision enumerated under section 248 (1) of the Code of Criminal Procedure.

The sole accused person above named is hereby set at liberty and stand discharged from his bail bond.

D/C.

Sd/-

A.C.J.M., Raghunathpur

Sd/-

(Sarmistha Ganguly)

A.C.J.M. Raghunathpur,

District - Purulia