

**FORM - A**

<p><b>IN THE COURT OF ADDITIONAL CHIEF JUDICIAL MAGISTRATE 2<sup>ND</sup> COURT, RAGHUNATHPUR, DISTRICT - PURULIA</b> <b>Present : <i>Debayan Ganguly</i></b> Additional Chief Judicial Magistrate 2<sup>nd</sup> Court Raghunathpur, Purulia J.O. Code: WB01313 <b>Date of the Judgment: 18<sup>th</sup> day of March, 2026</b> <b>Case No. GR: 875/24</b> <b>TR: 100/25</b> (CIS Registration No. 306/2025) <b>(CNR No.- WBPU06-000495-2025)</b> (Arising from Santaldih P.S Case No. 139/24 dated 18/12/2024)</p>	
Complainant	State of West Bengal
Presented by	Name of Advocate: Rabi Sharma
Accused	Prasenjit Bauri
Represented by	Name of Advocate: Ashutosh Tudu

**FORM - B**

Date of Offence	15.12.2024
Date of F.I.R.	18.12.2024
Date of Police report	31.12.2024
Date of framing Charge against the accused	29.08.2025
Date of commencement of Evidence	12.11.2025
Date of examination of the accused u/s. 313 of the Cr.P.C.	18.03.2026
Date on which Judgment is reserved	N/A
Date of Judgment	18.03.2026
Date of the Sentencing Order, if any	N/A

**Accused details:**

Rank of Accused	Name of the 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
A1.	Prasenjit Bauri	31.12.24	31.12.24	U/s- 126(2)/351 (2)/79 of BNS	Acquitted	N/A	N/A

**FORM - C****A. Prosecution:****LIST OF PROSECUTION /DEFENCE /COURT WITNESSES**

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
W1.	Tumpa Dhibar	
W2.	Balaram Dhibar	
W3.	Kajal Dhibar	
W4.	Swapan Kumar Bauri	

**B. Defence Witnesses, if any :**

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

**C. Court Witnesses, if any :**

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

**LIST OF PROSECUTION /DEFENCE /COURT EXHIBITS****A. Prosecution:**

SR. NO.	EXHIBIT NUMBER	DESCRIPTION
1	P-1	Signature of P.W.1 in the written complaint
2	P-1/1	Written complaint
3	P-1/2	Signature of P.W.4 in the written complaint

**B. Defence:**

SR. NO.	EXHIBIT NUMBER	DESCRIPTION

**C. Court Exhibits :**

SR. NO.	EXHIBIT NUMBER	DESCRIPTION

**D. Material Objects:**

SR. NO.	EXHIBIT NUMBER	DESCRIPTION

**JUDGMENT**

This is a case u/s 126(2)/351(2)/79 of BNS. The prosecution case in short is that the complainant got into a relationship with the accused but she broke up when her family members came to know about the same. Thereafter on 15/12/24 at about 12:00 noon - 01:00 PM when the complainant went to the tube well to bring water, the accused obstructed her in the path way and abused her in filthy languages. He also threatened to kidnap and rape the complainant and tortured her mentally.

On the basis of such complaint, Santaldih P.S. chalked out formal FIR being no. 139/24 dt. 18/12/2024 u/s 126(2)/351(2)/79 of BNS against the accused person.

Thereafter, the case was investigated by the ASI of police Prasanta Bhattacharjee of Santaldih P.S. who after completion of the investigation, submitted charge sheet being no. 109/24 dt. 31/12/24 u/s 126(2)/351(2)/79 of BNS against the accused person.

Thereafter, on 29/08/2025 charge was framed u/s 126(2)/351(2)/79 of BNS against the accused person to which he pleaded not guilty and claimed to be tried.

Thereafter, the prosecution started to examine c/s witnesses and the prosecution had examined the following witnesses:-

P.W. 1 – Tumpa Dhibar.

P.W. 2 – Balaram Dhibar.

P.W. 3 – Kajal Dhibar.

P.W. 4 – Swapan Kumar Bauri.

After closure of the prosecution evidence, the accused person was examined u/s 351 BNSS. As no defence witness was adduced, argument was heard for both parties.

### **POINTS FOR DETERMINATION**

- a) Whether the prosecution has been able to prove the offence u/s u/s 126(2)/351(2)/79 of BNS against the accused person beyond the shadow of all reasonable doubts?

### **DECISION WITH REASONS**

Having heard both sides and after perusal of the materials on record now let me scan the evidence from the case record.

P.W. 1 Tumpa Dhibar deposed that she lodged complaint against the accused in Santaldih P.S and identified him in Court. Previously she had a relationship with the accused and she broke up realising her mistake. But the accused used to follow her and threaten her whenever she used to go to the pond. On 15/12/24 at about 12:00 noon to 01:00 PM the accused obstructed her when she was going to the tube well and threatened to kidnap her and murder her husband. The accused also messaged her in facebook and they had a conversation over mobile phone. Her husband broke that mobile phone. Her signature in the same was marked as Exhibit-P-1.

During her cross examination she admitted that she narrated the incident to the police and the mobile number of the accused was 6297462674 and her number was 8509050746.

P.W. 2 Balaram Dhibar deposed that his wife lodged complaint in Santaldih P.S. against the accused person and identified him in Court. The incident occurred one year ago. His wife had a love affair with the accused and realising her mistake, she broke up. Thereafter the accused used to torture his wife by threatening to kidnap her and kill him.

During his cross examination he admitted that he did not see the incident and it was narrated to him by his wife.

P.W. 3 Kajal Dhibar deposed that her daughter in law lodged complaint in Santaldih P.S. against the accused person and identified him in Court. She further stated that the accused used to obstruct the complainant whenever she went to the pond.

During her cross examination she admitted that a scuffling took place between her daughter in law and her son and no incident occurred between the complainant and the accused. She also admitted that she did not see any incident.

P.W. 4 Swapan Kumar Bauri deposed that the complainant is known to him and he drafted the written complaint as per her instructions. The written complaint was marked as Exhibit-P-1/1 and his signature in the same was marked as Exhibit-P-1/2.

During his cross examination he admitted that he had no personal knowledge regarding the incident.

From the evidence on record it appears that apart from P.W.1 i.e. the de facto complainant herself no other prosecution witnesses support the prosecution case fully. P.W.4 admitted that he had no personal knowledge regarding the incident. P.W.3 only deposed that the accused used to obstruct the complainant and nothing else. During her cross examination, she completely destroyed the prosecution case by admitting that the complaint was lodged due to a scuffling took place between the complainant and her husband. She further admitted that no

incident occurred between the complainant and the accused. Therefore, such version of P.W.3, who is the mother in law of the complainant, is completely contrary to the prosecution case.

Further, P.W.2 only deposed that the accused threatened to kill him and kidnap his wife. He did not narrate anything as to any specific incident of 15/12/24 as stated by the complainant. He also admitted that he did not see the incident.

It is true that P.W.1 i.e. the de facto complainant corroborated the prosecution case to a great extent. But banking upon her sole testimony, it would not be safe enough to secure conviction as her family members have deviated from the prosecution case to a large extent. Apart from that, P.W.1 also made some developments during her testimony. She stated that the accused used to message her in facebook and they had conversation over mobile phone which was subsequently broken by her husband. These facts were not disclosed in the FIR. Therefore, even the version of P.W.1 is not fully trustworthy.

Considering all facts and circumstances, I am of the opinion that there is no sufficient incriminating evidence against the accused that he obstructed and threatened the complainant and abused her.

Under the position of evidence I do not find the accused person guilty of the charge brought against him. In other words, the prosecution has miserably failed to prove the offence u/s 126(2)/351(2)/79 of BNS against the accused person beyond the shadow of all reasonable doubts.

Hence it is

**ORDERED**

that the accused person namely Prasenjit Bauri is not found guilty of the offence u/s 126(2)/351(2)/79 of BNS and he is acquitted in terms of section 271(1) of BNSS and is also discharged from the bail bond as furnished by him.

The instant case stands disposed off.

Seized alamat, if any, be disposed off in accordance with law after expiry of the appeal period.

Note in the TR and upload the judgment in the CIS.

Dictated and corrected  
by me:

Sd/-  
Additional Chief Judicial Magistrate,  
2<sup>nd</sup> Court,  
Raghunathpur, Purulia.

Sd/-  
Additional Chief Judicial Magistrate,  
2<sup>nd</sup> Court,  
Raghunathpur, Purulia.