



IN THE COURT OF JUDICIAL MAGISTRATE 2nd COURT, RAGHUNATHPUR, PURULIA Present: Smt. Sanjukta Bhattacharya (JO Code-WB01346) [10-08-2026] GR Case No. 829/2020 (CIS No. 365/2021) CNR No.: WBPU06-000512-2021 TR No.: 26/2021 Presented on : 29-05-2021 Registered on : 29-05-2021 Decided on : 10-08-2026 Duration : 5 years, 2 months, 12 days The allegation u/s-498A/ of Indian Penal Code, 1860 and sections 3 and 4 of Dowry Prohibition Act arising out of Adra PS Case No. 97/2020 Dated-29-12-2020	
Complainant	STATE OF WEST BENGAL Chitra Chakraborty (De facto complainant)
REPRESENTED BY	Learned Assistant Public Prosecutor Sri Lalit Majee
ACCUSED. PARENTAGE AND RESIDENCE	Chandi Prasad Chakraborty s/o Late Bijoy Chakraborty residing at Barobagan, PS -Adra, District- PuruliaA-1
REPRESENTED BY	Learned Advocate Sri Partha Sarathi Mukherjee

Date of Offence	Since after seven days of marriage and on 21-12-2020 and 28-12-2020
Date of FIR	29-12-2020
Date of Charge sheet	31-10-2021
Date of Framing of Charge	19-09-2022
Date of commencement of Evidence	16-11-2022
Date of examination of accused under section 313 of Code of Criminal Procedure	07-08-2026
Date on which Judgement is reserved	10-08-2026
Date of the Judgement	10-08-2026
Date of the Sentencing order, if any	Not Applicable



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 of Cr.PC.
A-1	Chandi Prasad Chakraborty	Surrendered on 06-01-2021	06-01-2021	Sections 498A of Indian Penal Code along with sections 3 and 4 of Dowry Prohibition Act	Convicted	Till rising of Court as well fine of Rs. 400/-(Rupees four hundred only) in default to suffer simple imprisonment for five days for commission of offence punishable under section 323 of Penal Code	Not Applicable

LIST OF WITNESSES

A. Prosecution witness, if any :-

Rank	Name	NATURE OF EVIDENCE
PW-1	Asit Kumar Acharjee	Maternal uncle of defacto complainant/ related witness
PW-2	Chitra Chakraborty	Victim lady/defacto complainant
PW-3	Kiran Acharjee	Other witness
PW-4	Krishnapada Gorain	Other witness
PW-5	Sital Chandra Dubey	Other witness



Page No 3 GR Case No: - 829/2020 (CIS 365 /2021)		
PW-6	Sandhya Moni	Mother of victim lady/related witness
PW-7	LSI Iti Niyogi	Police witness/investigating officer

B. Defence witness, if any:

RANK	NAME	NATURE OF THE EVIDENCE
Not Applicable	Not Applicable	Not Applicable

C. Court witnesses, if any:

RANK	NAME	NATURE OF THE EVIDENCE
Not Applicable	Not Applicable	Not Applicable

LIST OF EXHIBITS

A. Prosecution:

Sr. No.	Exhibit No.	Description
1.	Exhibit P-1	Signature of PW-2 over FIR Complaint
2.	Exhibit P-2	Formal FIR and receiving endorsement of O/C SI Sourabh Banerjee of Adra PS
3.	Exhibit P-3 and P-3/1	Rough sketch map and index

B. Defence:

Sr. No.	Exhibit Number	Description
Not Applicable	Not Applicable	Not Applicable



Sr. No.	Exhibit Number	Description
Not Applicable	Not Applicable	Not Applicable

D. Material objects:

Sr. No.	Material object number	Description
Not Applicable	Not Applicable	Not Applicable

JUDGEMENT

1. PROSECUTION CASE:

1.1 The prosecution case arises from a FIR complaint lodged as on 29-12-2020 by the de facto complainant lady (hereinafter referred to as D/C) namely one Chitra Chakraborty, wife of Chandi Prasad Chakraborty of village Baghadabor, PS- Adra , Purulia District to the effect that, she married to accused (A-1) Chandi Prasad Chakraborty thirteen years prior to the date of complaint, as per Hindu rites and custom. It is specifically alleged that, after marriage, D/C lady was subjected to physical and mental torture by the accused persons, being her husband over further dowry and other domestic issues. It is particularly alleged on 28-12-2020 at night, accused husband physically assaulted D/C and forcibly ousted her from matrimonial house . Hence, this case.

1.2 Over the complaint one specific case being Adra PS Case No. 97/2020 dtd.29-12-2020 u/s- 498A of Indian Penal Code along with sections 3 and 4 of Dowry Prohibition Act was registered against the present sole accused.

2. INVESTIGATION AND FILING OF CHARGE-SHEET:

2.1. Perusal of the ordersheets reveal that , the sole accused voluntarily surrendered before the Court of Learned Additional Chief Judicial Magistrate,Raghunathpur , Purulia as on 06-01-2021 and was enlarged on bail on self same date.

2.2. After proper investigation, Police submitted charge Sheet no. 06/2021 dated 31-01-2021 against the sole accused u/s-498A of Indian Penal Code along with sections 3 and 4 of Dowry Prohibition Act.



2.3. The case was taken cognizance by Learned Additional Chief Judicial Magistrate, Raghunathpur as on 06-02-2021 and the record was transferred to this Court for disposal.

3. APPEARENCE AND CONSIDERATION OF CHARGE:

3.1. On perusal of the materials on record it appears that, after the case record been transferred to this Court, the sole accused person was examined under sections-240 of Code of Criminal Procedure. The substance of accusation was read over and explained to accused of which he pleaded “not guilty” and claimed to be tried. Such being the case, the present accused was charged for commission of offences punishable u/s-. 498A of Indian Penal Code along with sections 3 and 4 of Dowry Prohibition Act.

4. COMMENCEMENT OF TRIAL AND EXAMINATION OF ACCUSED u/s-313 of CRIMINAL PROCEDURE CODE:

4.1. After consideration of charge, the trial commenced by taking evidence of altogether seven witnesses. CSW-2/ Asit Kumar Acharjee , CSW-1/Chitra Chakraborty, CSW-3/ Kiran Acharjee CSW-4/Krishnapada Gorai, CSW-5/Sital Chandra Dubey, CSW-6/Sandhya Moni and CSW-8/LSI Iti Niyogi respectively, were examined as PW-1 to PW-7 respectively and discharged. Thereafter, on completion of evidence, the present accused person was examined u/s-313 of Criminal Procedure Code and he pleaded innocence and declined to adduce any evidence on his behalf.

5. POINTS FOR DETERMINATION:

1. Whether the present accused person being husband ,in relation to D/C, had subjected her to intentional physical or mental harm, or harassment over unlawful dowry demand and is liable to be punished for commission of offence punishable u/s- 498A of Indian Penal Code ?
2. Whether the present accused person being husband been giving, taking, or demanding dowry and is and is liable to be punished for commission of offence punishable u/s 3 and 4 of Dowry Prohibition Act ?
3. Whether the prosecution has proved the guilt of the accused person beyond reasonable doubt?

6. ARGUMENT :-

6.1 ARGUMENT ON BEHALF OF PROSECUTION :

Learned Assistant Public Prosecutor has advanced the plea that, oral evidence of victim lady/PW-2 as well her immediate family members being her own maternal uncle and her mother duly corroborated the prosecution case. Therefore, as per his submission, all the ingredients of sections against which accused is charged stands proved and thus, he prayed for conviction of the accused .



6.2 ARGUMENT ON BEHALF OF DEFENSE :-

Per contra, Learned Defense Counsel contended essence of the sections against which accused is charged regarding alleged exchange of dowry been not substantiated by any cogent evidence . Further, Learned Counsel stressed on the point , no single scrap of medical document came up to even corroborate any kind of physical assault as alleged inflicted . Learned Defense Counsel parted his argument to the fact that , after lapse of considerable number of years of marital life, most of the complaints under section 498A of Indian Penal Code , are filed in heat of the moment over trivial issues without proper deliberations; and only after voluntary desertion by the D/C lady, cases are filed to falsely implicate husband thereby praying for acquittal of sole accused in this case .

7. DECISION WITH REASONS:

7.1 At the very outset, it is to be remembered, it is the solemn responsibility first and foremost lies on the prosecution to prove its case on its legs and it is only when the prosecution has been able to successfully establish its case, then only the burden shifts on the accused to explain its stance and present its defence. Proceeding further, it comes up that, first section, against which the present accused person is charged with is **section 498A of Indian Penal Code.** This section is attracted as and when the accused person being husband and relatives of husband ,subjects the woman to cruelty which can be either of any such willful conduct of such nature as is likely to drive the woman to commit suicide or to cause grave injury or danger to life, limb or health or by way of harassment to such woman with a view to coerce her or by any person related to her to meet any unlawful demand for any property or valuable security. The torture by the accused person must be in connection with dowry demand. Besides , **Sections 3 of Dowry Prohibition Act,1961** deals penalty for giving or taking dowry.—[(1)] If any person, after the commencement of this Act,gives or takes or abets the giving or taking of dowry, he shall be punishable [with imprisonment for a term which shall not be less than [five years, and with fine which shall not be less than fifteen thousand rupees or the amount of the value of such dowry, whichever is more];Provided that the Court may, for adequate and special reasons to be recorded in the judgment, impose a sentence of imprisonment for a term of less than [five years].]

[(2) Nothing in sub-section (1) shall apply to, or in relation to,—(a) presents which are given at the time of a marriage to the bride (without any demand having been made in that behalf):Provided that such presents are entered in a list maintained in accordance with the rules made under this Act;(b) presents which are given at the time of a marriage to the bridegroom (without any demand having been made in that behalf):Provided that such presents are entered in a list maintained in accordance with the rules made under this Act:Provided further that where such presents are made by or on behalf of the bride or any person related to the bride, such presents are of a customary nature and the value thereof is not excessive having regard to the financial status of the person by whom, or on whose



behalf, such presents are given.] The other section 4 of Dowry Prohibition Act, 1961 deals with penalty for demanding dowry.—If any person demands, directly or indirectly, from the parents or other relatives or guardian of a bride or bridegroom, as the case may be, any dowry, he shall be punishable with imprisonment for a term which shall not be less than six months, but which may extend to two years and with fine which may extend to ten thousand rupees: Provided that the Court may, for adequate and special reasons to be mentioned in the judgment, impose a sentence of imprisonment for a term of less than six months.]

7.2 Keeping in mind the principles delineated above, let me dissect and pore over the evidence led in the case by the prosecution to pin down the conclusion as to whether the accused person is guilty of the offence alleged to have been committed by the sole accused. Scrutinizing the evidence in chief first, it comes up the maternal uncle of D/C first adduced evidence as PW-1 in this case and it transpires from his evidence, that, on 14th day of Bengali month of Baisakh, 2007, his “bhagni”/D/C lady was married to the sole accused and even went to narrate at the time of marriage, Rs 2,00,000/- (Rupees two lakh only) cash, valuable furniture and other articles were gifted in favour of accused. As per his testimony, the couple was blessed with one female child after two years of marital bliss and soon as and when the child was five years, the said child continued to stay at her maternal grandparents house, from where she is continuing her 10th standard education. The concerned witness even acknowledged that he is resident of same village where the matrimonial house of D/C is situated, accused husband used to severely assault his “bhagni” for further dowry demand. The witness even admitted on one occasion, he raised protest. PW-1 even stated extent of torture aggravated in between 21-12-2020 to 28-12-2020 and accused hit D/C by means of belt, lathi, iron rod in the person of D/C and lastly, on 29-12-2020 he accompanied D/C to local PS. However, the witness admitted, he was earlier interrogated by police during investigation and even admitted accused used to work on contractual basis at Asansol Hospital.

7.3 The immediate next witness in line examined by the prosecution, in this case is the victim lady/PW-2 and from her evidence in chief, it is crystallised that, she was married with accused in the month of May, 2007 and like her maternal uncle, admitted, valuables along with cash were gifted as dowry at the time of marriage. The witness lady admitted initially, she was well treated during lifetime of her father in law and PW-2 even used to fulfill financial demands only for sake of subsisting marriage. The witness testified that, after birth of their only girl child, situation worsened as accused not only refused to provide her food, clothes and medicines and even physically assaulted her. PW-2 even stated in her at length examination in chief, solely owing to financial constraints, their only daughter was compelled to continue her education at her maternal grandparents house. PW-2 narrated the further dowry demand of Rs 50,000/- (Rupees fifty thousand only) made by accused for sake of starting his business. PW-2 disclosed the instance of torture being aggravated on and from 21-



12-2020 to 28-12-2020 as and when accused used to throw utensils , as and when D/C lady used to take food and lastly in the night time at 10 PM, the victim lady was forcibly ousted her and finding no other alternative , she walked down to her maternal uncle's house and later registered the matter. In her cross examination , PW-2 admitted that , she earlier had done her nursing course in private at Madhukonda and used to work in a hospital at Asansol , but over there also due to accused 's suspicious nature , she was dismissed from job. The next two witnesses being PW-3 and PW-4 respectively , failed to divulge any details about the case. Thereafter comes the evidence of PW-5/Sital Chandra Dubey , who merely adduced that, D/C is his co-villager and the matter arose out of a marital dispute that took place in the year 2020 .

7.4 The witness immediate in line is none other than mother of D/C / PW-6/Sandhya Moni . As per the version of witness , her daughter was married to accused on 14th day of Baisakh , 2007 as per Hindu rites and customs and initially , she was treated well at her matrimonial house. PW-6 disclosed that, accused used to suspect the character of his own wife. The witness even stated that she herself witnessed the accused slapping her daughter . PW-6 even stated her daughter was restrained from communicating with her. The witness however , in her cross -examination , stated that on self same date, that her own paternal house is situated in the same village as that of accused and; earlier she used to have good relation with accused family , when his father was alive. Alike PW-1, D/C lady , the witness admitted that, her granddaughter is staying at her place where from she is continuing her education. PW-6 even stated on and from her date of marriage to 29-12-2020 , her daughter used to reside at her place , but after lodging of the police complaint on 29-12-2020, she took her daughter to her place .

7.5 The last independent witness examined is the investigating officer of this case/ PW-7/ LSI Iti Niyogi adduced that, after receiving charge of investigation on 29-12-2020 ,she perused the First Information Report , recorded statement of D/C and other available witnesses namely Asit Kumar Acharjee, Kiran Acharjee, Krishnapada Gorain, Sheetal Chandra Dubey respectively under section 161 of Criminal Procedure Code. The lady police officer in her examination in chief stated in due course of investigation, she collected injury report of victim lady on 29-01-2021 from Raghunathpur SS Hospital, prior to submission of chargesheet against the accused. Herein , lies the crux of prosecution evidence.

7.6 From the gamut of this case, it can be easily deciphered that, if by substance of First Information Report (hereinafter referred to as only "FIR") and oral evidence of prosecution witnesses can be relied, it appears that FIR was lodged promptly on the very date as and when the D/C lady was allegedly ousted. Admittedly , it transpires maternal uncle of D/C lady reside in the same village where the matrimonial house of D/C is situated. Again , another admission comes up during the



lifetime of father of accused , situation was still amicable in between both sides , but D/C however, admitted , situation started to worsen as and when D/C lady was physically assaulted right after birth of child . Now coming to the allegations part , D/C lady herself contended primarily three broad allegations pertaining to torture both physically and mentally for further dowry , secondly, physical assault by accused as and when D/C lady used to ask for financial support for herself and child and thirdly, suspecting wife's character and later creating such a compelling circumstance to loose her nursing job. It cannot be disregarded that , in cases of matrimonial offences, such takes place inside the four corners of a private residence and not many people can be counted as witness of the regular continuation of alleged acts/instances of torture. It is only the victim lady alone who is at the receiving end. Be it mentioned in this regard, not a single isolated instance will construe cruelty rather the continuity of the acts cannot be disregarded especially in the case , where marriage been lasted for more than a decade.

7.7 Now, it is noteworthy to mention that, a mere rebuke or ordinary verbal disagreement does not attract Section 498A of the Penal Code. The Supreme Court and High Courts have consistently ruled that the "daily wear and tear" of married life, minor arguments, or simple annoyance do not legally qualify as cruelty. Normal marital friction is expected. A case cannot be built on one spouse being hypersensitive to a scolding. A valid case requires specific, provable cruelty, not a general, vague argument aimed at settling personal scores. An isolated, verbal rebuke simply does not meet the strict legal definition of deliberate, life-threatening cruelty. It was held in **Shivnand Mallappa v State of Karnataka AIR 2007 SC 2314** that though section 498A IPC does not specifically speak of a dowry demand. However, it speaks of unlawful demand for property and valuable articles. It was also held that "Cruelty" under the Explanation deals with two types of circumstances. Clause (a) refers to willful conduct leading to suicide or grave injury or danger to life, limb or health which can be wither mental or physical of the woman. Clause (b) relates to harassment with a view to coerce her or any persons related to her to meet any unlawful demand for any property or valuable or is on account or failure to meet such demand. That apart, consequences of cruelty are to be established by the prosecution, that is to say, the prosecution must prove that the victim was either driven to commit suicide or she sustained grave injury to her life or limb or health by way of concrete proof. In this connection, the observation of the Hon'ble Supreme Court in **Noorjhan v State (2008) II SCC 55** merits mention: "Consequences of cruelty which are likely to drive a woman to commit suicide or to cause grave injury or danger to life, limb or health whether mental or physical of the woman are required to be established in order to bring home the application of Section 498A IPC, cruelty has been defined in the Explanation for the purpose of Section 498A."

7.8 The allegation so far relating to further dowry demand is closely studied, then the pertinent question that lies is that, who demanded what, on which date, and in what manner. Specific dates and



material particulars by way of clear corroborative oral evidence must come up. Moreover , there must be uninterrupted clear nexus in between such unlawful demand and physical cruelty inflicted. Embarking now is an attempt to differentiate in between mere acceptance of voluntary gift and the dowry; and on this point to begin with , a voluntary gift is a lawful transfer of property out of affection without any prior demand; whereas dowry is any property or valuable security demanded or given as a condition of marriage. Main point involves over here is that, to what extent demand or coercion existed, rather than what the items. It cannot be overlooked , if property is given because of an express or implied demand by the husband's family, it falls squarely under dowry. Under the proviso to Section 3 of the Dowry Prohibition Act, presents that are customary, of modest value, and given without any demand are permissible. However, if the value is excessive or tied to expectations, judicial precedent treats it as unlawful dowry. Now , nothing is forthcoming in the record that , any such formal, signed list of wedding gifts at the time of the wedding as required by the Dowry Prohibition (Maintenance of Lists of Presents) Rules , been executed by both sides during marriage.

7.9 The D/C lady who at best is expected to adduce the real facts , in this present case beforehand, is found shaken during trial , whilst being confronted with questions during cross examination and even admitted she neither handed over to any alleged stridhan article receipts to police nor filed it before Court. Even the police witness/PW-7 reiterated the same matter as uttered by D/C regarding the same fact. Now , scanning the evidence , it transpires that, PW-1/ maternal uncle of D/C lady acknowledged that, after the birth of girl child , in the physical presence of PW-1, accused assaulted D/C and as and when PW-1 protested against the same , the accused husband openly declared to the witness unless further dowry demand is met ,D/C lady would be ousted from his place .Now , in this case , PW-1 whilst being cross-examined flatly denied about being prior examined by police at any earlier point of time . The defense however , appreciating the available evidence on record during the course of trial, confronted the specific portion of of alleged fact to the police witness, and to which the said witness answered it in negative. Contradiction as per statutory mandate stands proved in this particular point.

8.0 In this case , to utter dismay , it cannot be negated that, biological mother of victim lady/PW-6 , who is expected reasonably to have a fair knowledge of the marriage rituals and monetary negotiations of her own daughter,remained in silence about alleged exchange of dowry articles at the time of marriage. She however , testified in her examination in chief , although chose to remain silent regarding any alleged physical torture solely in connection with further dowry demand ; but instead spoke of the instance of physical assault that took place in immediate physical presence. As per her oral testimony , the accused assaulted her daughter by means of slapping at the time of her visit to her daughter's matrimonial place . The defense however , failed to contradict PW-6 on this point nor impeach her creditworthiness. In this case , nevertheless, no scrap of medical document is furnished . At the same time , it cannot be overlooked , medical document is strictly not required to substantiate



Page No 11 GR Case No: - 829/2020 (CIS 365 /2021)

case under section 498A of the Penal Code , as it covers both physical as well as mental cruelty. Now one question , there is no corroboration from independent eye witness. It cannot be overlooked , not any adjacent neighbours residing surrounding the matrimonial house of D/C, are not examined as witnesses by prosecution. This Court finds whilst carefully scanning the evidence of PW-3, who happens to be a near relative to D/C lady , failed to utter a single word about the matter, PW-4 whereas on the other , whose house is situated in the same jurisdiction where house of accused is situated , also remained stoic silent throughout the trial. The immediate other witness PW- 5 spoke only of marital dispute back in the year 2020 and nothing more. Be it mentioned , the prosecution did not at any point of time, declare the witnesses particularly PW-3 and PW-4 respectively hostile . Fact remains that, neither of their oral evidence provide any credence to prosecution case . Be it mentioned, it cannot be brushed aside in such matrimonial cases , neighbours/ bystanders and even distant relatives in particular, as a part of common social norm, donot like themselves to get involved in private household affairs of the D/C ; and as a matter of prudence , unless and until any alleged occurrence is under public glare , material corroboration cannot be insisted at all times. Now as earlier stated in preceding paragraphs , matrimonial offence occurs within private household and it cannot be forgotten , there is likelihood of same being witnessed by only near family members. At this juncture , it cannot be irrelevant to state that , a related witness cannot be always an interested witness. A related witness is a family member or friend of a victim; whereas an interested witness has a direct personal stake or motive to falsely frame an accused. Courts do not treat relationship as proof of bias; a relative who naturally witnesses a crime remains a credible source if their statement is clear and honest. Defense side also by sheer craft of cross -examination was unsuccessful to discredit the worthiness of the witness for being biased one. Moreover , it cannot be overlooked that , oral evidence on record clearly suggest that, on the immediate earlier date of alleged cause of action , D/C lady while adducing her evidence on dock testified that, she was forcibly pushed outside the main entrance of her matrimonial house by the accused and the accused knowingly did not let her in inside the house .The defense again, failed to impeach the creditworthiness of the witness on this particular aspect at the time of cross -examination , by pleading any other defense.

8.1 At the time of parting , I do find absence of medical evidence cannot render oral testimony of the victim lady and one such corroborating witness to disbelieve ,whose evidence had passed through acid test of cross-examination. Oral evidence has at all times, a greater primacy over medical evidence and as and when piece of evidence resurfaces that, physical assault by means of slapping which cause any sort of bodily pain , disease or injury ensured to the victim lady herself , this vital piece of evidence cannot be brushed aside.

OMEGA :-

Under Criminal Procedure law, if the main major charge fails, an accused can still be punished for a



Page No 12 GR Case No: - 829/2020 (CIS 365 /2021)

minor offense bundled within the facts, provided it was sufficiently proven. Oral evidence of PW-1 and PW-6 respectively are direct eye witnesses , who had witnessed with their own eyes the instance of physical harm inflicted in the person. Thus, the entire evidence of the prosecution, if taken together, makes out a case under Section 323 of Indian Penal Code. The clinching evidence adduced by the prosecution is so convincing that the defence can hardly shaken the edifice of prosecution case. Henceforth, considering the available oral as well as documentary evidence on record, submission of both sides and examination of accused under section 313 of Code of Criminal Procedure Code, I am of the view that, prosecution side been able to establish ingredients of at least section 323 of Penal Code beyond shadow of all reasonable doubts. Consequently the accused person is liable to be convicted for the offence u/s 323 of the Indian Penal Code but he is entitled to be acquitted from the charge u/s 498A of Indian Penal Code as well sections 3 and 4 of Dowry Prohibition Act, 1861.

Hence, it is

ORDERED

That the accused person namely **(A-1) Chandī Prasad Chakraborty** is found **“not guilty”** for the commission of offence punishable u/s 498A of the Indian Penal Code and sections 3 and 4 of Dowry Prohibition Act, 1861 , but he is found **“guilty”** for the commission of offence under section 323 of Indian Penal Code and accordingly he is convicted in this case under Section 255(2) of the Code of Criminal Procedure.

He is taken into judicial custody and bail-bonds stands cancelled herewith. .

That the the matter will be taken up for hearing on point of sentence at 12.30PM.

Dictated and Corrected by me.

Dictated and Corrected by me.

Sd/-

Sd/-

**Judicial Magistrate, 2nd Court,
Raghunathpur, Purulia**

**Judicial Magistrate, 2nd Court,
Raghunathpur, Purulia**

Later,

Having heard the convict and on perusal of the case record I find that the convict sufficiently mature at the time of commission of the offence but without sparing a thought of its consequences they committed the offence. So, it goes to show that they have no regard for the law of the land. Having considered all the aspects, I am of the view , convict being the husband of the victim allowed to go unpunished, the people may lose faith in the rule of law. Moreover, the state of criminal law continues to be and should be a decisive reflection of social consciousness and inadequate sentence can do harm to the system. There is no record of previous conviction against the convict. This is the first offence committed by him in his life. Now this Court is confronted with the question of imposition of sentence. The convict said he is innocent and cited his financial background . However , it cannot be overlooked being the



Page No 13 GR Case No: - 829/2020 (CIS 365 /2021)

husband of the de facto complainant in case ,if he wanted, could very well have protected the interests of his wife. In India a husband is just like a God to his wife. Considering and even more, the financial background no order regarding any term of substantive imprisonment is passed against the convict Thus, I am of the view that a pecuniary compensation is to be awarded in the case punishable u/s-323 of Indian Penal Code. I do not find any reason to invoke the provision of section 360 of Code of Criminal Procedure or Probation of offenders Act.

Taking into account entire aspects, I find it just, fit and proper to award the sentence till rising of the Court to the convict, **(A-1) Chandi Prasad Chakraborty** as well further impose fine of Rs. 400/-(Rupees four hundred only) in default to suffer simple imprisonment for five days for offence punishable under Section-323 of Indian Penal Code .

The period of detention, if any, already undergone during the stage of inquiry, investigation or trial by the convicts be set off against the sentence passed.

Seized alamats, if any, be disposed of after the statutory period of appeal.

Free copy of this judgment be handed over to the convicts forthwith.

Thus, the case is disposed off.

Note in TR as well in the relevant register.

Let a copy of judgment be uploaded in CIS at once.

Dictated and Corrected by me.

Sd/-

**Judicial Magistrate,2nd Court,
Raghunathpur, Purulia**

Dictated and Corrected by me.

Sd/-

**Judicial Magistrate, 2nd Court,
Raghunathpur, Purulia**