



IN THE COURT OF JUDICIAL MAGISTRATE 2nd COURT, RAGHUNATHPUR, PURULIA Present: Smt. Sanjukta Bhattacharya (JO Code-WB01346) [23-07-2026] GR Case No. 219/2024 (CIS No. 613/2024) CNR No.: WBPU06-000928-2024 TR No.: 67/2024 Presented on : 23-09-2024 Registered on : 23-09-2024 Decided on : 23-07-2026 Duration : 1 years, 10 months, 0 days <i>The allegation u/s-498A/323/284/506/34 of Indian Penal Code, 1860 and sections 3 and 4 of Dowry Prohibition Act arising out of Raghunathpur (W) PS Case No. 06/2024 Dated-01-04-2024</i>	
Complainant	STATE OF WEST BENGAL Anjana Gorai (De facto complainant)
REPRESENTED BY	<i>Learned Assistant Public Prosecutor Sri Lalit Majee</i>
ACCUSED. PARENTAGE AND RESIDENCE	Deepak Gorai @ Deepak Kumar Gorai s/o Basudeb Gorai residing at Belchari PO and PS -Nirsa, District-Dhanbad , State- JharkhandA-1, Basudeb Gorai s/o Late Kanailal Gorai residing at Belchari PO and PS - Nirsa, District-Dhanbad , State- JharkhandA-2, Latika Gorai w/o Basudeb Gorai , residing at Belchari PO and PS -Nirsa, District-Dhanbad , State- JharkhandA-3, Mamoni Gorai @Mamata Gorai w/o Tarak Gorai , residing at village Natundih, Raghunathpur PS, District-Purulia, West BengalA-4, Tarak Gorai @Tarak Nath Gorai s/o Bhim Gorai, residing at village Natundih, Raghunathpur PS, District-Purulia, West BengalA-5, Dipak Gorai @Dip @Dipak Gorain s/o Bijay Gorai @Bijoy Gorai , residing at village Lachmanpur ,Raghunathpur PS, District-Purulia, West BengalA-6, Maya Gorai w/o Dipak Gorai @Dip @Dipak Gorain ,residing at village Lachmanpur ,Raghunathpur PS, District-Purulia, West BengalA-7, Raju Gorai s/o Sudhir Gorai ,residing at village Kalakurma PO- K.G Ashram , PS-Saraidhela, District-Dhanbad, JharkhandA-8, and Soma Gorai @Soma Devi w/o Raju Gorai ,residing at village Kalakurma PO- K.G Ashram , PS-Saraidhela, District-Dhanbad, JharkhandA-9



REPRESENTED BY	Learned Advocate Sri Ravi Bhushan Sharma
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Date of Offence	Since after seven days of marriage and on 26-02-2024
Date of FIR	01-04-2024
Date of Charge sheet	20-05-2024
Date of Framing of Charge	06-12-2024
Date of commencement of Evidence	07-02-2025
Date of examination of accused under section 313 of Code of Criminal Procedure	23-07-2026
Date on which Judgement is reserved	23-07-2026
Date of the Judgement	23-07-2026
Date of the Sentencing order, if any	Not Applicable

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 of Cr.PC.
A-1	Deepak Gorai @ Deepak	Surrendered on	08-04-2024	Sections 498A/323/506/34 of	Acquitted	Not Applicable	Not Applicable



	Kumar Gorai	08-04-2024		Indian Penal Code			
A-2	Basudeb Gorai	Surrendered on 08-04-2024	08-04-2024	Sections 498A/323/506/34 of Indian Penal Code	Acquitted	Not Applicable	Not Applicable
A-3	Latika Gorai	Surrendered on 08-04-2024	08-04-2024	Sections 498A/323/506/34 of Indian Penal Code	Acquitted	Not Applicable	Not Applicable
A-4	Mamoni Gorai @Mama ta Gorai	Surrendered on 08-04-2024	08-04-2024	Sections 498A/323/506/34 of Indian Penal Code	Acquitted	Not Applicable	Not Applicable
A-5	Tarak Gorai @Tarak Nath Gorai	Surrendered on 08-04-2024	08-04-2024	Sections 498A/323/506/34 of Indian Penal Code	Acquitted	Not Applicable	Not Applicable
A-6	Dipak Gorai @Dip @Dipak Gorain	Surrendered on 08-04-2024	08-04-2024	Sections 498A/323/506/34 of Indian Penal Code	Acquitted	Not Applicable	Not Applicable
A-7	Maya Gorai	Surrendered on 08-04-2024	08-04-2024	Sections 498A/323/506/34 of Indian Penal Code	Acquitted	Not Applicable	Not Applicable
A-8	Raju Gorai	Surrendered on 08-04-2024	08-04-2024	Sections 498A/323/506/34 of Indian Penal Code	Acquitted	Not Applicable	Not Applicable
A-9	Soma	Surrendered	08-04-2024	Sections	Acquitted	Not	Not Applicable



	Gorai	on		498A/323/506/34 of		Applicable	
	@Soma	08-04-2024		Indian Penal Code			
	Devi						

LIST OF WITNESSES

A. Prosecution witness, if any :-

Rank	Name	NATURE OF EVIDENCE
PW-1	Anjana Gorai	Defacto Complainant/ eye witness
PW-2	Hiralal Gorai	Related witness/father of victim lady
PW-3	Bijoy Gorai	Related witness/maternal uncle of victim lady
PW-4	Kabita Gorain	Related witness/mother of victim lady
PW-5	Niranjan Gorai	Related witness/paternal uncle of victim lady
PW-6	Shibani Gorai	Related witness/paternal aunt of victim lady
PW-7	Kebal Mukherjee	Other witness/Priest
PW-8	Menaka Gorain	Related witness/ cousin sister
PW-9	Dr. Manik Mondal	Medical officer
PW-10	Aloka Gorain	Related witness/ distant relative
PW-11	LSI Nilima Nath	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-1 over FIR Complaint
2.	Exhibit P-2	Signature of PW-1 over the seizure list
3.	Exhibit P-3	Original injury report
4.	Exhibit P-4 and P-4/1	Formal FIR and receiving endorsement of O/C LSI Paramita Samaddar of Raghunathpur (W) PS
5.	Exhibit P-5 and P-5/1	Rough sketch map and index



B. Defence:

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

C. Court Exhibits:

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 01-04-2024 by the de facto complainant lady (hereinafter referred to as D/C) namely one Anjana Gorai , wife of Deepak Gorai of village Belchari , PO and PS -Nirsa , District- Dhanbad , Jharkhand to the effect that, she married to accused (A-1) Dipak Gorai as on 27-11-2023 as per Hindu rites and custom. It is further alleged that,



at the time of marriage, Rs 5,00,000/- (Rupee five lakh only) cash , one almirah, one dressing table, along with valuable beddings , one gold ring , one silver chain,one pair of gold earrings and various other household articles were gifted as dowry in favour of the accused. It is specifically alleged that, after marriage, D/C lady was subjected to physical and mental torture by the accused persons, being her husband and in laws over further dowry and other domestic issues. It is further alleged that, her in laws tried to administer her malicious substances by means of occult practice as a part of torture and threatened her with dire consequences It is particularly alleged on 16-01-2024 , D/C lady had gone to her father 's house and when she returned back to her matrimonial house , the extent of torture aggravated. Lastly on 26-02-2024, accused persons pressurised her to bring further dowry and after severely assaulting her, forcibly again ousted her from matrimonial house . It is the further more case of prosecution that, finding no other alternative , D/C lady alone had gone to local PS from where her parents were informed and the latter after reaching there, took her to their place and since then, she is residing over there . Hence, this case.

1.2 Over the complaint one specific case being Raghunathpur (W)PS Case No. 06/2024 dtd.01-04-2024 u/s-498A/323/284/506/34 of Indian Penal Code along with sections 3 and 4 of Dowry Prohibition Act was registered against the present accused.

2. INVESTIGATION AND FILING OF CHARGE-SHEET:

2.1. Perusal of the ordersheets reveal that , all the accused (A-1 to A-9) respectively voluntarily surrendered before the Court of Learned Additional Chief Judicial Magistrate,Raghunathpur , Purulia as on 08-04-2024 and were all enlarged on bail on self same date.

2.2. After proper investigation, Police submitted charge Sheet no. 08/2024 dated 20-05-2024 against the accused u/s-498A/323/284/506/34 of Indian Penal Code.

2.3. The case was taken cognizance by Learned Additional Chief Judicial Magistrate, Raghunathpur as on 23-05-2024 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, all the present accused persons were examined under sections-240 of Code of Criminal Procedure. The substance of accusation was read over and explained to accused of which they pleaded “not guilty” and claimed to be tried. Such being the case, the present accused were charged for commission of offences punishable u/s-. 498A/323/506/34 of Indian Penal Code.

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 eleven witnesses. CSW-1/Anjana Gorai , CSW-2/Hiralal Gorain, CSW-3/ Bijoy Gorai, CSW-4/Kabita Gorai, CSW-5/Niranjan Gorai, CSW-6/Shibani Gorai, CSW-9/Kebal Mukherjee, CSW-7/Menaka Gorai, CSW-17/ Dr. Manik Mondal, CSW-8/Alaka Gorai and CSW-19/ LSI /Nilima Nath respectively, were examined as PW-1 to PW-11 respectively and discharged. Thereafter, on completion of evidence, the present accused persons were examined u/s-313 of Criminal Procedure Code and they pleaded innocence and declined to adduce any evidence on their behalf.

5. POINTS FOR DETERMINATION:

1. Whether the present accused persons being husband and in laws ,in relation to D/C, had subjected her to intentional physical or mental harm, or harassment over unlawful dowry demands and are liable to be punished for commission of offence punishable u/s- 498A of Indian Penal Code ?
2. Whether the present accused persons being husband and in laws in relation to D/C had caused voluntarily hurt to D/C lady and are liable to be punished for commission of offence punishable u/s- 323 of Indian Penal Code ?
3. Whether the present accused persons being husband and in laws, in relation to D/C, had caused criminally intimidation to the D/C lady and are liable to be punished for commission of offence punishable u/s- 506 of Indian Penal Code ?
4. Whether the prosecution has proved the guilt of the accused persons 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-1 as well her immediate family members being her own parents, duly corroborated the prosecution case. Learned Counsel even argued that , even from admission of seizure list into documentary evidence, the exchange of dowry articles at the time of marriage , allegation is duly corroborated and so is the available medical evidence. Therefore, as per his submission, all the ingredients of sections against which accused are 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 firstly , the extent of delay of nearly two months behind lodging of the complaint by D/C after being allegedly ousted by the accused. Defense side pointed out that, defect in investigation admittedly where alleged Place of Occurrence(hereinafter referred to as only “PO”) is situated in a different State and in this regard , the investigating officer failed to abide prescribed statutory mandate . It is the specific defense plea that, investigation is carried out in a lacklustre manner regarding seizing of any Call Detail Record (Hereinafter referred to as “CDR”) details or any other incriminating article to rope other in-laws into commission of the offence. Learned Defense Counsel further , vehemently objected regarding admissibility of the injury report being marked as Exhibit P-3 as the said document is mere reply to a letter issued to the medical officer. Learned Counsel parted his argument to the fact that 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 and in laws, thereby praying for acquittal of accused in this case .

7. DECISIONS RELIED ON

- Sunil Kumar v The State Govt of N C T of Delhi CrLJ 819.
- Shivnand Mallappa v State of Karnataka AIR 2007 SC 2314.



- Noorjhan v State (2008) II SCC 55.
- Smt Raj Rani v. State (Delhi Administration) AIR 2000 SC 3559.
- Savitri Devi v Ramesh Chand, 2003 Cr.L.J. 2759.
- Sanjay D. Jain and others vs State of Maharashtra and Others reported in 2026(1)AICLR 599 (SC).
- Shobhit Kumar Mittal vs State of Uttar Pradesh and Another reported in 2026 (1) AICLR 530 (SC).
- Kahkashan Kausar v. State of Bihar reported in [(2022) 6 SCC 599].
- Payal Sharma v. State of Punjab, 2024 SCC OnLine SC 3473.
- Geeta Mehrotra v. State of U.P. (2012) 10 SCC 741.
- Sushil Kumar Sharma vs. Union of India and others 2005 Cri L J 3439.

8. DECISION WITH REASONS:

8.1 At the very outset, it is to be remembered, be it the case of the prosecution or the defence sufficient materials in the form of direct evidence along with corroborating evidences should exist, thereby forming should be a continuous link in the chain of circumstantial evidences, so that the Court may arrive at a just and proper conclusion in a case. Again, it goes without saying that 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.

8.2 Proceeding further, it comes up that, first section, against which the present accused persons are charged with is **section 498A of Indian Penal Code.** This section is attracted as and when the accused persons 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 persons must be in connection with dowry demand.



8.3 Secondly, accused are all charged against is **Section 323 of Indian Penal Code** and in this regard, at the very inception , going through the term “hurt” , the same is clearly enunciated under **Section-319 of the Indian Penal Code** as **“Whoever causes bodily pain, disease or infirmity to any person is said to cause hurt.”** In order for an offence to be classified as hurt, it is essential that there is an element of ‘bodily pain’. It can be understood as the direct result of an act causing bodily pain irrespective of the methods used. Now, before appreciating the evidence beforehand, it is the time to examine the provision of Section 323 of Penal Code which is the penal provision with “voluntarily to cause hurt”, and against which the accused persons are charged. This section reads as follows: **“Whoever, except in the case provided for by section-334, voluntarily causes hurt, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both.”**

8.4 It comes up the accused are also charged under **Section 506 of Penal Code**. The said provision defines the punishment for criminal intimidation. It states that threatening someone to cause injury to their person, reputation, or property—with the intent to cause alarm or force them to do something they are not legally bound to do. As per the well settled law, the threat should be a real one and not just a mere word when the person uttering does not exactly mean what he says and also when the person against whom the threat is launched, does not feel threatened actually. Mere abuse cannot partake the nature of criminal intimidation.

8.5 Keeping in mind the principles delineated above, let me delve into the evidence on record led by the prosecution to find out as to whether the allegations have been proved by the prosecution beyond the shadow of reasonable doubt in tune with the law as adumbrated above. Before taking a plunge into the evidence of the prosecution to unravel the truth behind the allegation let us remind ourselves that the law in this regard is very well-delineated by the Supreme Court in **Sunil Kumar v The State Govt of N C T of Delhi CrLJ 819**. It was held it is sound and well established rule of law that the court is concerned with the quality and not with the quantity of the evidence necessary for proving or disproving a fact. Generally speaking oral testimony in this context may be classified into three categories, namely: **Wholly reliable, Wholly unreliable and neither wholly reliable nor unreliable.**



In the first category of proof, the court should have no difficulty in coming to its conclusion either way it may convict or may acquit on the testimony of a single witness, if it is found to be above reproach or suspicion of interestedness, incompetence or subornation. In the second category, the Court equally has no difficulty in coming to its conclusion. It is in the third category of cases, which the court has to be circumspect and has to look for corroboration in material particulars by reliable testimony, direct or circumstantial. There is another danger in insisting on plurality of witnesses. Irrespective of the quality of the oral evidence of a single witness, if courts were to insist on plurality of witnesses in proof on any fact, they will be indirectly encouraging subornation of witness. 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 him.

8.6 Scrutinizing the evidence in chief first, it comes up the alleged victim wife had first adduced evidence as PW-1 in this case and it transpires from her evidence, that, on 27-11-2023 she was married to accused Dipak Gorai(A-1) and seven days after marriage, all the accused started to mentally torture her. PW-1 further disclosed in her evidence that, after knowing the fact that, she had already informed the matter of infliction of torture to her parents, her husband (A-1) in particular, started to physically torture her. The witness did not even fail to testify in her at length examination in chief instances of alleged torture pertaining to the fact that, all the accused rebuked her for her physical appearance as she used to wear spectacles. PW-1/ Anjana Gorai further adduced in her evidence that, her mother in law/ accused Latika Gorai (A-3) used to mix “chuno jal” with the oil and administered the same to her forcibly. The witness disclosed that, even if she complained of physical illness, all the accused conjointly forced her to wash utensils of the family hotel. PW-1 went on to narrate in her oral evidence that, in the first week of January, 2024, all the accused forcibly ousted her for conducting second marriage of her husband. In her elaborate examination in chief, PW-1 revealed that, she informed the matter to her parents but all the accused threatened her openly by saying “teen maas pore fasilya korbo.” PW-1 went on to reveal that, on 18-02-2024, she had gone back to her matrimonial place and there was a subsequent panchayat meeting where it was decided that she would go to her in laws place and even thereafter, all the accused started to physically and mentally torture her. PW-1 furthermore mentioned in her examination in chief that, on 22-02-2024, accused



(A-1) (A-3) and accused (A-4) respectively created quarrel over jewellery items and started to physically assault her and finding no other means, PW-1 as narrated by her, left the place and was gone outside by walking to a village mandir. The witness levelled the allegation against her father in law / accused (A-2) Basudeb Gorai to the extent that, on 26-02-2024, he without any ground abused her and forced to bring jewellery from paternal house; and even stated that, on that date, all the accused wrongfully confined her by lock and key. PW-1 furthermore specifically stated that, on the relevant date, only accused (A-1), (A-2), and (A-3) respectively physically assaulted her and she somehow managed to escape from their clutches and gone to local PS.

8.7 Further appreciating the evidence that came forth in her cross examination, held on the self same date, it transpires that, PW-1 admitted facts inter alia being, all the accused does not reside in same place but only due to the fact being members of the same family, they are implicated as accused in this case. The witness admitted that, she did not first intimate, the instances of torture before any authority within seven days of marriage. PW-1 admitted further that, her husband/ accused (A-1) although had filed case under Restitution of Conjugal Rights before Learned Family Court, but despite the same, she did not resume her conjugal life.

8.8 The immediate next witness in line examined by the prosecution, in this case is the father of alleged victim lady/PW-2 and from his evidence in chief, it is crystallised that, at the time of his daughter's marriage on 27-11-2023, all the accused had demanded Rs 5,00,000/- (Rupees five lakh only) valuable cash, one almirah, one dressing table, one "palang" along with valuable beddings, one gold ring, one silver chain, one pair of gold earrings and other valuable household articles. PW-2 even levelled allegation against the father in law of his daughter/accused (A-2) to the extent that, he taunted his daughter for wearing spectacles and his daughter was forced to wash utensils of the hotel and further gone to reveal that, on 16-01-2024, he took his daughter back to his house after his daughter informed him about the torture inflicted by the accused. Alike evidence of his daughter, PW-2 revealed that, on 18-02-2024, he took his daughter back to her matrimonial place and one panchayat meeting was called and again on 22-02-2024, in particular the three accused namely (A-1), (A-2) and (A-3) respectively, abused his daughter inside the house and his distraught daughter then



left for local village temple , where she sat down. The witness revealed that, his son in law / accused (A-1) took his daughter back to his matrimonial house after much pursuasion. That mother in law of his daughter/ accused Latika Gorain by way of occult practice obtained “chuno jaal” and administered the same to his daughter. Even in his lengthy examination in chief , PW-2 testified that, on 26-02-24 at 12 noon, accused (A-2) ,pressurised his daughter to bring further household articles and physically assaulted her and; his daughter all alone gone to Nirsha PS and the witness along with his wife had gone there at PS . Later , in his examination in chief, PW-2 revealed further that, on 27-02-24 , his daughter was treated at DVC Hospital, for the pain injury suffered all over her person. In his cross examination , PW-2 admitted that, alleged victim lady is his only daughter and he is a mere private labour and has seasonal income ranging from Rs 15,000/-(Rupees fifteen thousand only)to Rs 20,000/-(Rupees twenty thousand only) per month. The witness acknowledged that, married sister in laws of his daughter reside in their respective houses and further admitted that, he personally did not lodge any complaint ever since the daughter came back to his house on 26-02-2024 . He even admitted that, the case been filed after his son in law/accused (A-1) filed case regarding Restitution of Conjugal Rights before Ld Court, Dhanbad.

8.9 The third witness examined is PW-3/Bijoy Gorai who comes across as the maternal uncle of D/C lady and acknowledge his niece’s factum of marriage with accused (A-1) on 27-11-2023 as per Hindu rites and customs out of negotiations. As per the version of witness , PW-3 heard from his elder sister / mother of D/C namely one Kobita Gorain that , accused tortured her and now his niece reside at paternal house. Save and except denials , the defense side failed to elicit any new fact. The fourth witness examined in this case is , PW-4, who comes across as the mother in relation to D/C and she adduced in her evidence that, her daughter’s marriage took place on 27-11-2023 as per Hindu rites and customs; and the marriage was out of negotiations. The witness stated that right after “astamangala” ceremony of marriage , as and when her daughter gone to her matrimonial, all the accused inflicted physical and mental torture upon her . PW-4 testified in examination in chief that, her daughter/ alleged victim lady was forced to do household chores. She even disclosed that, her daughter’s stridhan articles were snatched away and wrongfully retained in their custody. PW-4 narrated two dates inter alia being on 16-02-2024 , her daughter narrated the instances of torture and



she was sent back to their place. PW-4 again mentioned that at first on 22-02-24 , her daughter was forcibly ousted from her matrimonial house but accused convinced her to return back but again on 26-02-2024 , her daughter/ alleged victim was severely assaulted and came all alone to Nirsha PS . The witness avowed in her evidence that, after hearing the matter, she along with her husband also came down to the concerned PS and even furthermore revealed that, prior to that only for once she had gone to her daughter's matrimonial place at the time of negotiations. The concerned witness/PW-4, in her cross examination , held on self same date admitted that, she did not personally witness the alleged instances of torture inflicted on her daughter as the matter was relayed by her daughter. Alike her daughter and husband, PW-4 acknowledged that, accused (A-1) had filed case under restitution of conjugal rights earlier , but instead of turning up, the present case was initiated by her only daughter.

8.10 The immediate next witness in line is PW-5/Niranjan Gorain , who adduced that, D/C is his “bhaiji” and she was married on 27-11-23 , but failed to name any of the accused as well failed to narrate any details of the case. PW-6/Shibani Gorain , comes up as relative of D/C and the concerned witness addressed D/C as the daughter of her “jaa” but failed to state any details of the case . The next witness in line is PW-7/ Kebal Mukherjee who comes across as a priest by profession and admitted that, he only performed the bridhi morning rituals of the bride . The immediate other private witness/ PW-8/Menaka Gorain adduced that, D/C is the daughter of her “kaka” but again, she failed to shed any light into the matter.

8.11 Thereafter comes the evidence of medical officer/ PW-9/ Dr Manik Mondal and the witness on dock adduced that, whilst being posted as Medical Officer at Raghunathpur, RTPS, DVC, treated patient D/C Anjana Gorai in the month of February , 2024 and he administered the pain killer and antacid to her. The witness further stated that, in the course of physical examination , the witness could not find any injury in her person and medical injury report prepared by him is admitted into documentary evidence. Subsequently comes the evidence of PW-10/ Aloka Gorain , who also happens to be relative of D/C but even she failed to state any details of the case.

8.12 The last independent witness examined is the investigating officer of this case/ PW-9/ LSI Nilima



Nath adduced that, after receiving charge of investigation on 01-04-24 ,she perused First Information Report , recorded statement of D/C and other available witnesses as well her father u/s 161 Criminal Procedure Code. The witness then visited Place of Occurrence under Nirsha PS , Jharkhand State, on same date at 11.55 AM and prepared rough sketch map and index. The lady police officer in her examination in chief stated in due course of investigation, she collected injury report of victim lady , seized marriage invitation card, colour photographs and copy of doctor's treatment prescription, prior to submission of chargesheet against all the accused. Upon being cross-examined on self same date , the witness acknowledged that, she did not collect any CDR, cash memo -receipts . Herein , lies the crux of prosecution evidence.

8.13 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 on , it appears that after nearly lapse of one month, from the date of alleged returning back of D/C lady from matrimonial house , case had been filed. However , no plausible/ satisfactory explanation is forthcoming which occasioned the undue delay . Be it noted , FIR is what bring criminal law into motion and to be promptly lodged to later avoid any embellishments. Now , in the formal FIR, there is no citing of any delay ground . Even in the contents of FIR , which as admittedly drafted by the D/C lady , nothing is forthcoming regarding the delay of lodging the complaint right from the date after being alleged ousted i, e 26-02-2024 . Even PW-1/D/C lady herself admitted the factum in her oral evidence . However , the said witness merely adduced that, she had earlier submitted one complaint before local PS and thereafter again before Raghunathpur (W) PS . Had it been the case , as the "Place of Occurrence" (hereinafter referred to as only "PO") situated in a different State , Zero FIR lodged prior, should have tagged with this record but nothing as such came forth in the record . Even the evidence of police witness /PW-9 silent about the matter. Be it noted in this juncture, usually in matrimonial offences , the delay ground usually cited traces to the fact ,victims often endure abuse hoping for reconciliation. However , no such instance transpires in this particular case, On the other hand , evidence on record admittedly suggest that , immediate prior to lodging of complaint , accused (A-1) had filed one case for Restitution of Conjugal Rights and after acquiring knowledge of the same , she had subsequently filed this case . Be it noted ,Restitution of Conjugal Rights decree cannot



physically force a wife to return as and when case under section 498A of Penal Code, is initiated already. Nevertheless, regardless of this aspect, from the academic realm, it cannot be overlooked altogether that, such a one month's unexplained delay although outrightly does not put entire prosecution case to disbelieve, but reasonably arises suspicion in the first place at least.

8.14 Now coming to the allegations part, D/C lady and her immediate family members particularly her father/ PW-2 had contended, she, right after marriage inception, was taunted for physical appearance. 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. At the time of appreciating evidence, I cannot but infer with slightest hesitation, this allegation is not corroborated by other witnesses. Be it noted, mere taunts regarding physical appearance, including wearing spectacles, typically do not meet the high statutory threshold of cruelty required to sustain a criminal conviction under Section 498A of Indian Penal Code.

8.15 Evidence on record suggests that, alike the earlier allegation, D/C lady as well her father both testified on dock that, she was forced to wash utensils of her inlaws family hotel, even if she complained of her physical illness. Now in her cross-examination held on 18-07-2025, PW-1 admitted that, in every household, it is the duty of a wife to maintain and manage the family and participate in household chores. Now, there is nothing wrong to mention that, expecting a spouse to contribute to household chores is generally viewed as an integral part of marital life, not cruelty. The settled principle that, only if a husband or his family forces a wife to perform heavy physical labor when her health does not permit it, this only amounts to cruelty. Now, in this regard, neither any corroborative oral evidence nor any such medical document is exhibited in record, D/C lady was suffering from health issue and despite the same was, coerced all alone to perform all household chores.

8.16 The other allegation primarily levelled against accused (A-2) father in law is that, he



pressurised D/C to bring from her paternal house further household articles and on her refusal to fulfill such demand , D/C was physically assaulted. Now , a 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. The D/C lady who at best is expected to adduce the real facts , is found shaken during trial , whilst being confronted with questions during cross -examination and as it comes from her oral evidence , such nexus could not be affirmatively established by prosecution.

8.17 So far the allegation of snatching away stridhan articles and wrongfully retained in the custody resurface in the evidence on record , nothing comes up the very fact of D/C being restrained from granting access to her stridhan articles in her matrimonial place in the evidence of any other witness save and except in the evidence of mother of D/C /PW-3. However , whilst appreciating evidence on record , prosecution failed to distinguish whether , it was first and foremost dowry exchange allegedly or simply voluntarily offering of gifts/presents out of love and affection in between the parties . Nothing is forthcoming in the evidence who is actually entrusted with alleged stridhan articles and secondly whether there has been any conversion or criminal misappropriation of the same for own use. Both these ingredients are patently lacking in this case beforehand as the prosecution fail to establish it. In this case, the charge of misappropriation of alleged stridhan articles is not lying against the present accused and the prosecution been ample of scope to alter/add the charge at any stage of trial, but the same did not prevail in this case.

8.18 Embarking now to one such rare allegation of cruelty as denoted in the factual circumstances is against mother in law / accused (A-3) regarding administration of “chuno jaal” with oil to D/C lady during her stay in matrimonial house. Be it noted , administering food laced with materials intended for "black magic" or superstition to a married wife/victim can establish a strong case for prosecution under Section 498A of the Indian Penal Code . Nevertheless , it cannot be disregarded that, forcing a woman to consume substances under the guise of black magic, or tricks rooted in severe superstition, creates tremendous psychological trauma, fear, and emotional distress and certainly constitutes act of



mental cruelty.. Now , again so far as “chuno jaal” food is concerned , prosecution failed to establish during course of investigation any forensic or chemical laboratory reports of the food sample or medical stomach-wash reports was obtained. Be it mentioned , no Court of Law can convict someone based on a supernatural claim without physical proof of contamination.

8.19 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. Clauses (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.”

8.20 Again, in **Smt Raj Rani v. State (Delhi Administration) AIR 2000 SC 3559**, the Apex Court



held that, while considering the case of cruelty in the context to the provisions of Section 498A IPC, the court must examine that allegations/ accusations must be of a very grave and should be proved beyond reasonable doubt. The observation of the Hon'ble Delhi Court in **Savitri Devi v Ramesh Chand, 2003 Cr.L.J. 2759** is very apposite in the facts and circumstances of this case. "For the purpose of Section 498A IPC which is peculiar to Indian families, victim spouse is always the wife and guilty is the husband and his relatives-near or distant, living together or separately. Ingredients of 'cruelty' as contemplated under Section 498A of Penal Code, are of much higher and sterner degree than the ordinary concept of cruelty applicable and available for the purposes of dissolution of marriage i.e. divorce. In constituting 'cruelty' contemplated by Section 498A IPC the acts or conduct should be either such that may cause danger to life; limb or health or cause 'grave' injury or of such a degree that may drive a woman to commit suicide. Not only that such acts or conduct should be "willful" i.e. intentional. So to invoke provisions of Section 498A IPC the tests are of stringent nature and intention is the most essential factor. The only test is that acts or conduct of guilty party should have the sting or effect of causing grave injury to the woman or are likely to cause danger of life, limb or physical or mental health. Further conduct that is likely to drive the woman to commit suicide is of much grave nature that causing grave injury or endangering life, limb or physical or mental health. **It involves series of systematic, persistent and willful acts perpetrated with a view to make the life of the woman so burdensome or insupportable that she may be driven to commit suicide because of having been fed up with marital life. (Emphasis mine by underlining).**"

8.21 It was further held in in the case of **Sanjay D. Jain and others vs State of Maharashtra and Others reported in 2026(1)AICLR 599 (SC)**, on the aspect that mere vague and general omnibus averments in the complaint will be insufficient to pinpoint the criminal liability on the part of accused. Again, in the case of **Shobhit Kumar Mittal vs State of Uttar Pradesh and Another reported in 2026 (1) AICLR 530 (SC)**, where although the matter pertained to quashing of FIR, but specifically Paragraph Nos 14, 18 and 19 of the judgment, dealt with the essential ingredients to rope the accused with commission of offence of 498A, 323 of Indian Penal Code along with sections 3 and 4 of Dowry Prohibition Act, 1961. Apex Court specifically pointed out that, the term "cruelty" cannot be established without any specific instances and failure to mention the time, date, place or manner in



which alleged harassment occurred or details of nature of demand renders allegations insufficient. Apex Court at the time of quashing of the FIR against the relatives of husband, rendered the view that, in absence of remote or proximate act or omission attributed to accused implicating him or assigning specific role /roles, cannot be made out. In this case, it comes up primarily allegations is levelled against husband and parents in law mostly. Nothing in evidence on record comes up regarding any specific allegation against any of the relatives of the accused. Physical or mental cruelty requires continuous domestic contact. There must be specific, concrete allegations against each distinct person. In landmark rulings like Kahkashan Kausar v. State of Bihar reported in [(2022) 6 SCC 599], and subsequent judgments, courts have held that, criminal proceedings cannot be sustained against relatives based on vague, generic, or blanket allegations lacking specific dates, times, or defined roles. As reported in the case of Payal Sharma v. State of Punjab, 2024 SCC OnLine SC 3473, it was observed that while the term "relative" is not defined in the Indian Penal Code, its ordinary meaning encompasses persons related by blood, marriage, or adoption, such as parents, siblings, children, and their spouses but that mere remote connection does not suffice to infer criminal liability. The Court also highlighted that general and omnibus allegation against such relatives, particularly those not residing with the complainant, do not constitute the offence of cruelty under Section 498A of Penal Code, unless supported by clear and specific material. Again, in the case of Geeta Mehrotra v. State of U.P. (2012) 10 SCC 741, the Supreme Court quashed prosecutions of distant relatives based on sweeping and exaggerated allegations, warning that over-implication of family members undermines the legislative intent of Section 498A, which was introduced to combat genuine instances of dowry-related cruelty. It cannot be denied that, PW-1 admitted, as relatives belong to same family, they are implicated as accused and named by her in her police complaint. Neither any cogent, unflinching oral or electronic evidence in the form of CDR, mobile WhatsApp chats are, in existence to substantiate the fact that, relatives accused nexus in any manner with the commission of offence.

8.22 Now, at the time of appreciating the materials on record, it cannot be disregarded that, alleged PO being the matrimonial house of D/C is situated in a different State. Be it noted as section 498A of Penal Code is considered a "continuing offense", the police in the wife's home state have the legal



power to investigate and hear the case. However , there is a SOP (Standard Operating Procedure) for a crime or incident where the PO is in a different state typically falls under the legal framework of a Zero FIR. The police register the case under a "Zero" serial number and the duty officer, as per the said SOP, must first log the details physically or electronically into the General Diary (GD).The First Information Report is registered with a serial number of "0" (Zero) rather than a regular station serial number. Now , in accordance with prescribed mandate, before transferring the case file out of state, the registering station must , taking into note of urgency, conduct immediate medical examinations if injuries or sexual assault are involved, record early statements from the victim or witnesses present at the scene. Once only after the preliminary administrative tasks are complete, the case file must move to the actual scene of the crime. The Protocol further mandates that, the receiving station will then assign it a regular, sequential FIR number to start the formal investigation Officers must secure written permission from their superiors before traveling to another state. They must establish contact with the local police station in the target state before conducting searches . The investigating officer from the state where the matrimonial house is located, usually takes over the primary investigation, record statement of accused and discharge all other necessary official duties in course of investigation. Invariably , such strict procedural mandate is not followed in this case as admitted by the police witness, in her oral evidence . Moreover , it transpires during investigation , police failed to seize any receipts , CDR details or any relevant incriminating articles/documents in connection with the case. Moreover , it transpires that, in the seizure list , articles which happen to be seized are inter alia marriage invitation card, doctor's medical prescription prepared and nothing more to support credence to prosecution case. To much astonishment , not a single adjacent neighbour of alleged Place of Occurrence is cited as witness nor been examined during trial .PW-1/ DC lady herself failed to even state their names. On the contrary , as unexpected, all the cited witnesses happen to be relatives and acquaintances of the D/C lady herself , which is not the proper approach. Thus , what boils from the discussion is that, blatant non-compliance of prescribed statutory mandate by the lady investigating officer reveals to the extent of hurried and a material defective investigation, that nevertheless goes to the root of the prosecution case thereby loosening its vigour.

8.23 However , apprising their creditworthiness , save and except parents , the relative witnesses and



one priest /PW-7 failed to utter a single word corroborating the case. Even , the prosecution despite having time and opportunity failed to declare them hostile. It is quite surprising that , the prosecution side which cited the near relatives of D/C save and except the priest ,are completely non-conversant with the instances of torture / cruelty meted out to D/C lady . In such wake of situation , these relative witnesses can be grouped as wholly unreliable. Now , so far evidence of D/C lady is concerned, who is the sole direct witness and her evidence ought to have place in a higher pedestal than others , appreciating as whole it seems to be riddled with inconsistencies and discrepancies and that too became magnified in absence of cogent documentary evidence . The evidence of both parents of D/C who comes across as indirect witnesses , fail to garner any support to prosecution case and seem to be tutored ones . Without any slightest hesitation , I do infer that , evidence of PW-1, PW-2 and PW-4 can be well classified under the group neither wholly reliable nor unreliable .

8.24 Again , at the time of passing the judgment, I do one injury report is admitted into documentary evidence , in the presence of medical officer . The said report patient only had body ache and did not complain of any other problem. Be it noted that D/C lady as reflected from the face of the said document was treated on 15-04-2024 , which is likely to be after case been already filed . Learned Defense Counsel whilst addressing his defense argument, hammered on the point said document is not in proper format as injury report rather its is one such reply to the police during continuation of investigation. Going by the force of the argument , I do concede with it as I do find Exhibit P-3 is an afterthought document. Moreover, going by the force of the argument , I do find if prosecution case to be relied , D/C lady was ousted way back in the last week of February , 2024 , how come on 15 -04-2024 , her body ache resulted only due to alleged act of torture/ cruelty by the accused ? Mere resorting to treatment of body pain and being later administered antacid by the attending medical officer ,poses a question , how far the said alleged body pain is connected with torture, if any by the accused only? Question remain unanswered by the prosecution. The veracity of the exhibited medical document is at stake. Now , if again evidence of medical witness is closely perused , it comes up the said doctor had treated D/C Anjana Gorai in the month of February, 2024 but no scrap of document comes up to substantiate the same . Embarking on the academic realm now , it cannot be disregarded that, the law states that a single, isolated fight or a single minor injury does not equal legal cruelty. To



prove the charge, the prosecution must show a pattern of ongoing abuse or severe harassment over a period of time. A single medical report , even if comes into record as exhibit which reveal D/C was treated during course of her stay at matrimonial place or else immediately after alleged ouster , will not establish any continuous chain of event. So far the ingredient of Section 506 of Penal Code is concerned , convincing corroborative evidence must stand out to substantiate from the side of accused threat was genuine, not merely a trivial argument or a loose expression of anger. However , the prosecution failed to establish not only the case under section 506 of Indian Penal Code, but as well the other allied sections against which accused are hereby charged with.

OMEGA :-

The entire evidence of the prosecution, if taken together, hardly makes out any case, not to speak of an offence under Sections 498A, 323 , 506 and 34 of Indian Penal Code . The jerry-built materials cobbled together by the prosecution are so effect that it can hardly prop up the edifice of prosecution case. It is sure to crumble, and it has crumble under the pulls and pressures of law. The prosecution has failed to make out any case against the accused persons in view of the delineation made above. The Hon'ble Supreme Court, in, **Sushil Kumar Sharma vs. Union of India and others 2005 Cri L J 3439** observed :“The object of the provision is prevention of the dowry menace. But as has been rightly contented by the petitioner that many instances have come to light where the complaints are not bonafide and have been filed with oblique motive. In such cases acquittal of the accused does not in all cases wipe out the ignominy suffered during and prior to trial. Sometimes adverse media coverage adds to the misery. The question, therefore, is what remedial measures can be taken to prevent abuse of the well-intentioned provision. Merely because the provision is constitutional and intra vires, does not give a license to unscrupulous persons to wreck personal vendetta or unleash harassment. It may, therefore, become necessary for the legislature to find out ways how the makers of frivolous complaints or allegations can be appropriately dealt with. Till then the Courts have to take care of the situation within the existing frame work. But by misuse of the provision a new legal terrorism can be unleashed. The provision is intended to be used a shield and not an assassin's weapon. If cry of “wolf” is made too often as a prank assistance and protection may not be available when the actual “wolf” appears. There is no question of investigating agency and Courts casually



dealing with the allegations. They cannot follow any straitjacket formula in the matters relating to dowry tortures, deaths and cruelty. It cannot be lost sight of that ultimate objective of every legal system is to arrive at truth, punish the guilty and protect the innocent. There is no scope for any pre-conceived notion or view. It is strenuously argued by the petitioner that the investigating agencies and the courts start with the presumptions that the accused persons are guilty and that the complainant is speaking the truth. This is too wide available and generalized statement. Certain statutory presumptions are drawn which again are rebuttable. It is to be noted that the role of the investigating agencies and the courts is that of watch dog and not of a bloodhound. It should be their effort to see that an innocent person is not made to suffer on account of unfounded, baseless and malicious allegations. It is equally indisputable that in many cases no direct evidence is available and the courts have to act on circumstantial evidence. While dealing with such cases, the law laid down relating to circumstantial evidence has to be kept in view. Every matrimonial conduct, which may cause annoyance to the other, may not amount to cruelty. Mere trivial irritations, quarrels between spouses, which happen in day-to-day married life, may also not amount to cruelty. Cruelty in matrimonial life may be of unfounded variety, which can be subtle or brutal. It may be words, gestures or by mere silence, violent or non-violent. Petty quibbles, trifling differences should not be exaggerated and magnified to destroy what is said to have been made in heaven. All quarrels must be weighed from that point of view in determining what constitutes cruelty in each particular case always keeping in view the physical and mental conditions of the parties, their character and social status. A too technical and hypersensitive approach would be counter productive to the institution of marriage. The Courts do not have to deal with ideal husbands and ideal wives. It has to deal with particular man and woman before it. The ideal couple or a mere ideal one will probably have no occasion to go to Matrimonial Court.”

8.25 Before parting, it appears to me after perusal the deposition of available prosecution witnesses and considering the submission of Learned Counsel of accused and other materials on record, that the available evidence questions the ring of truth where the chain of events directly connect the accused with the scene of crime. Thus, the prosecution failed miserably to establish the requisite mens rea on the part of accused to commit the alleged offence. Thus, the ingredients of the offence punishable



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under sections- 498A, 323, 506,34 of Indian Penal Code ,are not thus, established by any credible evidence, against the present accused pinpointing their criminal liability towards the commission of alleged acts and as such benefit of doubt lies in favour of the accused. In these circumstances, this Court has no other way but to hold the present accused persons innocent and accordingly acquit them both from the charge of this case.

Hence, it is,

ORDERED

that the accused persons, namely, **(A-1) Deepak Gorai @ Deepak Kumar Gorai , (A-2) Basudeb Gorai , (A-3) Latika Gorai , (A-4) Mamoni Gorai @Mamata Gorai, (A-5) Tarak Gorai @Tarak Nath Gorai ,(A-6) Dipak Gorai @Dip @Dipak Gorain , (A-7)Maya Gorai , (A-8) Raju Gorai and (A-9) Soma Gorai @Soma Devi** respectively are found “**not guilty**” of having committed an offence punishable only under sections-498A/ 323/506/34 of Indian Penal Code and are acquitted of the said offences as per provisions of Section 248(1) of Criminal Procedure Code. The sureties be discharged from the respective bail bonds.

The defacto complainant/ victim lady may prefer as per Section-372 of Cr.PC. and if necessary, avail free legal assistance through District Legal Service Authority, Raghunathpur, Purulia .

Copy of this judgment be intimated to Sub-Divisional District Magistrate, Raghunathpur as well to SDLSA,Raghunathpur, Purulia.

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

The case is disposed off.

Note in TR .

Let a copy of this 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