

Form A

IN THE COURT OF ADDITIONAL CHIEF JUDICIAL MAGISTRATE RAGHUNATHPUR, DISTRICT – PURULIA Present : Sarmistha Ganguly Additional Chief Judicial Magistrate, Raghunathpur, Purulia Date of the Judgment: 18th day of June, 2026 Case No. GR 53 of 2021 (Registration No. 425 of 2021) (CNR No.-WBPU060006672021)  (Arising from Para P.S Case No. 10/2021 dated 27.01.2021 u/s. 448/354A of the Indian Penal Code)	
Complainant	State of West Bengal
Represented by	Name of the Advocate : Assistant Public Prosecutor
Accused	1. Manas Roy
Represented by	Name of the Advocate : Shri Ranjit Chatterjee

FORM B

Date of Offence	05.12.2020
Date of F.I.R.	27.01.2021
Date of Police report	28.02.2021
Date of framing Charge against the accused	17.02.2025
Date of commencement of Evidence	02.07.2025
Date of examination of the accused u/s. 313 of the Cr.P.C.	12.06.2026
Date on which Judgment is reserved	
Date of Judgment	18.06.2026
Date of the Sentencing Order, if any	

Accused details:

Rank of the Accused	Name of Accused	Date of arrest/surrender	Date of release on Bail	Offences charged with	Whether acquitted or convicted	Sentence imposed	Period of Detention Undergone during Trial for purpose of Section 428 Cr.P.C.
1.	Manas Roy	16.02.2021	16.02.2021	u/s. 448/354A IPC	Acquitted		

Form C

LIST OF PROSECUTION /DEFENCE /COURT WITNESSES

A. Prosecution:

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
P.W. 1	Mitali Deoghoria (Roy)	Defacto complainant-cum-victim
P.W. 2	Sukumar Roy	Husband of the de facto complainant
P.W. 3	Jagabandhu Roy	Independent witness
P.W. 4	Hiralal Lohar	Independent witness

B. Defence Witnesses, if any :

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

C. Court Witnesses, if any :

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

LIST OF PROSECUTION / DEFENCE / COURT EXHIBITS

A. Prosecution :

Sr. No.	Exhibit Number	Description
1.	Exhibit 1 as a whole by P.W-1	Court complaint lodged by the de facto complaint
2.	Exhibit 1/1 series by P.W-1	Signature of the de facto complainant on the Court complaint
3.	Exhibit 2 by P.W-1	Statement of the de facto complainant recorded by the Ld. Magistrate u/s. 164 Cr.P.C.

B. Defence:

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

C. Court Exhibits :

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

D. Material Objects:

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

J U D G M E N T

Facts of the Prosecution Case :

The prosecution case has its genesis in a Court complaint filed by the defacto complainant Mitali Deogharia (Roy) u/s 156(3) of Cr.P.C. before this Court to the effect that on 05.12.2020 at about 12:00 Noon when the complainant had been engaged in her household work, accused had suddenly arrived at her residence and inquired about her husband and when the complainant stated that he had not been present in the house, the accused gave indecent proposal to the complainant and forcibly caught hold of her and also assaulted her. The complainant had further alleged that she had raised hue and cry when her husband arrived at the spot but the accused abused him in offensive languages and further threatened the complainant and her husband with dire consequences if they disclosed the events which had occurred on the alleged date as the accused person had been an influential political person. The complainant has stated that she had gone to the local Para P.S. to lodge complaint on the very date of the incident but they had refused to entertain her and finding no other alternative, the complainant had filed the present petition praying for a direction by this Court upon the concerned Para P.S. to treat the Court complaint as an FIR and commence investigation accordingly.

It appears from the record that the present petition filed by the complainant u/s. 156(3) of Cr.P.C. have been duly allowed by this Court on 05.01.2021 and on receipt of the said order, the O.C. of Para P.S. had started Para P.S Case No.10/2021 dated 27.01.2021 under sections 448/323/354A of IPC against the sole accused person which culminated into the submission of charge-sheet against the sole accused person for the offence punishable under sections 448/323/354A of IPC.

Thereafter, charge have been framed against the sole accused person for the offences punishable u/s. 448/354A of IPC and the contents of the charges for the above offences have been read over and explained to the sole accused person in his local language, to which the sole accused person have pleaded not guilty and claimed to be tried and hence, this trial.

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

Points for Consideration

(1) Did the accused person commit the offence punishable under sections 448/354A of IPC?

Decision with Reason

The prosecution has produced only four witnesses to establish the charges leveled against the accused person. The defacto complainant in the present case, namely Mitali Deoghoria (Roy) (P.W.-1) has stated in her deposition that she had filed the Court complaint in the present case u/s. 156(3) of Cr.P.C. against the accused person which was scribed as per her instruction but she was unable to recollect the name of the person who had drafted the same though her signatures on the Court complaint had been marked as **Exhibit 1/1 series** during her deposition. The complainant further stated in her deposition that on the alleged date of the incident which had occurred on 05.12.2020 at about 12:00 noon, the accused had suddenly arrived at her residence at village Sankra under Para P.S. and had inquired about her husband and when the accused had been told that the husband of the complainant was not present in the house, the accused gave indecent proposals to the complainant and on her refusal to accept the same, the accused attacked and assaulted the complainant and tried to hold her in his arms. The complainant also stated there had been scuffle with the accused person who also threatened the complainant with dire consequences.

It further appears that the statement of the complainant had been recorded by the Ld. Magistrate u/s. 164 of Cr.P.C. and the said statement was marked as **Exhibit 2 as a whole** during the deposition of the complainant.

In her cross-examination, the complainant admitted the fact that she had been acquainted with the accused person as a resident of her native village Sankra.

The husband of the complainant namely Rajkumar Roy has adduced his evidence as PW-2 and has stated during his deposition that on the alleged date of the incident when he had not been present at his house, the accused had suddenly arrived there and had started to act indecently with his wife and after he had got the said information, the witness had rushed to home and thereafter the accused had threatened him and his wife with dire consequences and also slapped the complainant in his presence and pushed him on the ground when he protested against the same.

During his cross-examination, it has been specifically admitted by the accused that he is having no personal knowledge regarding the manner in which the accused had acted with his wife on the alleged date of the incident.

One Jagabandhu Roy and one Hiralal Lohar had been examined by the prosecution as independent witnesses but the said persons being PW-3 and PW-4 respectively categorically stated during their deposition that they are having no knowledge regarding the facts and circumstances leading to the institution of the present case.

Let us now scan the evidence on record to ascertain correctly as to whether the Prosecution have been able to prove its case against the accused persons beyond all shadow of reasonable doubt with regard to the allegations made against them under the provisions of **section 448/354A of the Indian Penal Code.**

On careful perusal of the documentary evidence as is available on record, it transpires to this court that the Court complaint in the present case has been filed on 05.01.2021 under section 156(3) of the Code of Criminal Procedure though the alleged incident had happened on 05.12.2020 at about 12:00 noon after a lapse of almost one month from the actual date and time of the occurrence of the incident and that the complainant has merely stated that the reason for the delay in filing the Court complaint had been that he was advised by the concerned police personnel of Para P.S that the complainant should approach the court for the redressal of his grievances but the said reason cannot be termed as an plausible explanation for the reason in the inordinate delay in lodging the complainant in the instant case. ***In this context, it has been the observation of the Hon'ble Supreme Court that delay in lodging FIR corrodes the credibility of the prosecution story and any delay in the matter creates a doubt if it is not properly explained. In this context , further reference can be made to the case of Meharaj Singh and others Vs. State of Uttar Pradesh and others in which the Hon'ble Apex court has held that the object of insisting upon the prompt lodging of the FIR is to obtain the earliest information regarding the circumstances in which the crime was committed, including the name of the actual culprits and the parts played by them, the weapons, if any used, as also the names of the eye witnesses, if any and delay in lodging the FIR often results in embellishment, which is a creature of an afterthought and on account of delay, the FIR not only gets bereft of the advantage of spontaneity, but danger also creeps in of the introduction of a coloured version or exaggerated story.***

It further appears to this court that both the independent witness have miserably failed to support the case of the prosecution and the contents of the written complaint lodged by the complainant in the present case as they namely, one Jagabandhu Roy and one Hiralal Lohar who had been examined by the prosecution being PW-3 and PW-4 respectively had be unable to specifically state the facts and

circumstances and the incident which has led to the institution of the present case by the complainant. ***It is important to emphasise in this regard that if an independent witness fails to corroborate the prosecution's case, it can weaken the prosecution's argument and may lead to the acquittal of the accused. In the case of Jagdish v. State of Madhya Pradesh (1981 AIR 1167, 1981 SCR (3) 689) , it has been observed by the Hon'ble Apex Court that if independent witnesses do not support the prosecution case, their non-support could cast serious doubt on the prosecution story.***

It also reflects that the I.O has not been produced as a witness on behalf of the Prosecution and in the absence of the evidence of the I.O, it cannot be properly ascertained as to whether proper investigation has been made before submission of charge sheet against the accused persons. ***In this regard, it is very much pertinent to mention that in the case of Munna Lal v. State of Uttar Pradesh (2023), the Hon'ble Apex Court has observed that the absence of the IO's testimony creates a material lacuna in the prosecution's effort, thereby generating reasonable doubt about the prosecution's case and emphasized that the IO's examination is vital for corroborating the evidence presented and for providing clarity on the integrity of the investigation.***

Considering the aforesaid discussions, this Court has no hesitation to hold that the prosecution has hopelessly failed to establish the charges and accusations leveled against the the sole accused person for the offences punishable under sections **448/354A of IPC** and accordingly, the sole accused person above named is liable to be acquitted from the present case as well as from all the charges and accusations leveled against him under **section 248 (1) of the Code of Criminal Procedure.**

Hence, it is,

ORDERED

that the sole accused person, namely Manas Roy is found not guilty of the offence punishable under sections 448/354A of IPC of the Indian Penal Code and accordingly, the sole accused person above named is hereby acquitted from the present police case as well as from all the charges and accusations leveled against him, in terms of the provision enumerated under section 248 (1) of the Code of Criminal Procedure.

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

D/C.

Sd/-

A.C.J.M., Raghunathpur

Sd/-

(Sarmistha Ganguly)

A.C.J.M. Raghunathpur, District – Purulia.