

**The following Form A to Form C shall be inserted in chapter IV – Miscellaneous Forms as Form No (M) 34 to Form No (M) 36 respectively.**

**Form A**

<p>IN THE COURT OF ADDITIONAL DISTRICT AND SESSIONS          JUDGE, FAST TRACK, 2ND COURT, SEALDAH          Present: Parna Bhattacharya, Additional Sessions Judge,          Fast Track, 2<sup>nd</sup> Court, Sealdah (JO Code WB01015)          [Date of the Judgment : 11.03.2026]          [S.T. Case No.04(09) 2025]          [S.C. Case No.01 of 2025]          [C.I.S. No.01 of 2025]          [C.N.R. No.WBSP07 000045 2025]          (Beliaghata PS Case No.196, dated 13.12.2024, U/Sec.74/75/          79/351 of B.N.S.S. Act)</p>	
Complainant	State of West Bengal
REPRESENTED BY	Sri Uttam Ghosh
ACCUSED	Dubai Roy @ Subhasish Roy
REPRESENTED BY	Sri Atindra Ghosh

**FORM B**

Date of Offence	13.12.2024
Date of FIR	13.12.2024
Date of Charge Sheet	20.12.2024
Date of framing of Charges	12.09.2025
Date of commencement of Evidence	09.12.2025
Date on which Judgment is reserved	18.02.2026
Date of the Judgment	11.03.2026
Date of Sentencing Order, if any	N.A

**Accused details:**

Rank of the accused	Name of Accused	Date of arrest	Date of release on bail	offence charged with	Whether acquitted or convicted	Sentence imposed	Period of Detention Undergone during Trial for purpose of Section 428, Cr.P.C.
1.	Dubai Roy @ Subhish Roy	13.12.2024	18.01.2025	74/75/79/351 of BNSS Act	Acquitted	Not applicable	Not applicable

**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)
PW1	Priyanka Das	De- facto complainant/Victim
PW2	Jhuma Ghosh	Neighbour of the de-facto complainant

**B. Defence witnesses, if any: Nil****C. Court Witnesses, if any: Nil****LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS****A. Prosecution:**

Sr. No.	Exhibit Number	Description
1	Exhibit P-1/PW-1	Written Complaint of the de-facto complainant along with her signature
2	Exhibit P-2/PW-2	Statement of the victim recorded U/Sec.183 of B.N.S.S.

**B. Defence: Nil**

**C. Court Exhibits: Nil**

**D. Materials Objects: Nil**

**J U D G M E N T**

The thumbnail sketch map of the case of the prosecution is that one Priyanka Das has lodged a written complaint before P.S Beliaghata to the effect that 13.12.2024, the accused person assaulted her at premises No.112/8, B.M. Road, Kolkata-10, by pulling her hand, touched her private part with an intention to outraged her modesty and abused her in filthy languages, besides threatening her with dire consequences.

On the basis of the written complaint of the said victim/de-facto complainant, this instant case being Beliaghata P.S. Case No.196, dated 13.12.2024 was initiated U/Sec.74/75/79/351 of B.N.S.S.

I.O after due investigation has submitted Charge Sheet in this case vide CS No.216/24, dated 20.12.2024 U/Sec.74/75/79/351 of B.N.S.S.

As the case was initiated U/Sec.74/75/79/351 of B.N.S.S is exclusively triable by the Court of Sessions, so this case was committed before Ld. ADJ, 1<sup>st</sup> Court, Sealdah, U/Sec.209 of Cr.P.C, after supply of copies U/Sec.207 of Cr.P.C. having cognizance of offence was taken by Ld. ACJM, Sealdah U/Sec.190(1)(b) of Cr.P.C.

On 12.09.2025 Charge U/Sec.74/75/79/351 of B.N.S.S was framed against the sole accused person. The contents of Charge U/Sec.74/75/79/351 of B.N.S is read over and explained to the accused person in plain Bengali language to which the accused pleaded 'not guilty' and claimed to be tried.

**Evidence on Record:**

In order to establish this case, the prosecution has adduced evidence of following witnesses, they are:-

PW1	Priyanka Das	De- facto complainant/Victim
PW2	Jhuma Ghosh	Neighbour of the de-facto complainant

This apart, the following documents are marked as Exhibits, they are:-

1	Exhibit P-1/PW-1	Written Complaint of the de-facto complainant along with her signature
2	Exhibit P-2/PW-2	Statement of the victim recorded U/Sec.183 of B.N.S.S.

On 18.02.2026, the sole accused person is examined U/Sec.351 of B.N.S.S with all necessary statutory cautions to which he has pleaded his innocence.

Heard Argument on behalf of both sides.

**POINTS FOR DETERMINATION:**

Whether the accused stands guilty to the charge U/Sec. 74/75/79/351 of B.N.S.S or not?

**DECISION WITH REASONS:**

It is to be seen as to how far the prosecution is successful in bringing home the advantages of this case.

PW-1 Priyanka Das in course of her examination has interalia stated that on the date of incident, while she was coming from school, she was subjected to abuse. Later on, the matter in controversy has been settled amicably by and between herself and the accused person.

PW-2 Jhuma Ghosh also echoed the testimony of the de-facto complainant and contended that the matter in controversy has been put to rest by way of amicable settlement between the parties and both of the prosecution witnesses have unequivocally stated that they no longer harbor any grudge against the accused person.

This being position under facts and circumstances, I find the prosecution has failed to establish that on the date of incident, the victim has been assaulted with an intention to outrage her modesty and that the accused have may physical contact and advancement involving unwelcome and explicit sexual overtures by pulling the hand of the victim and touching her private parts and the accused person intended to insult modesty of the victim by uttering words and gestures intending that such words shall be heard and such posture shall be seen by the

victim or intrudes upon the privacy of the victim or that the accused person has threatened the victim with injury to her person with intent to cause alarm to her.

Naturally, the benefit of doubt cannot be denied to the accused person who are entitled for acquittal to meet the best interest of justice.

Hence, it is,

**Ordered**

That the accused person viz. Dubai Roy @ Subhasish Roy U/Sec.74/75/79/351 of B.N.S.S and acquitted U/Sec. 235(1) of Cr.P.C.

The accused person is released from his respective bail bond and set at liberty at once.

Surety is also discharged.

Note in the register and CIS.

Let a copy of this Judgment be sent to D.M., South 24-Parganas and Ld. Secretary, DLSA, South 24-Parganas, Alipore, as the accused as well as the victim has also the right to prefer an appeal against this Judgment and Order of acquittal in terms of proviso of Sec.372 of Cr.P.C and to avail Free Legal Aid Services as per entitlement in terms of the decision of Hon'ble High Court at Calcutta dated 29.03.2022 in **Sabitri Bhunya Vs. State of West Bengal and Others (CRA 266 of 2020/CRAN 1 of 2020)**.

Dist. & Corr. by me :

Additional Sessions Judge,  
Fast Track, 2<sup>nd</sup> Court, Sealdah  
JO Code WB01015

Addl. Sess. Judge.  
Fast Track, 2<sup>nd</sup> Court, Sealdah.