

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, 2nd Court, Sealdah (JO Code WB01015) [Date of the Judgment : 02.05.2026] [S.T. Case No.01(11) 2025] [S.C. Case No.86 of 2025] [C.I.S. No.86 of 2025] [C.N.R. No.WBSP07 002598 2025] (Sealdah GRPS Case No.76 of 2025, dated 18.07.2025, U/Sec.143(4)/111(2)(b) of B.N.S. Act)</p>	
Complainant	State of West Bengal
REPRESENTED BY	Sri Uttam Ghosh
ACCUSED	Osman Gani
REPRESENTED BY	Jamil Furrukh and Ritu Sarkar

FORM B

Date of Offence	18.07.2025
Date of FIR	18.07.2025
Date of Charge Sheet	31.07.2025
Date of framing of Charges	04.11.2025
Date of commencement of Evidence	06.12.2025
Date on which Judgment is reserved	30.04.2026
Date of the Judgment	02.05.2026
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.	Osman Gani	18.07.2025	13.03.2026	143(4)/111(2)(b) of B.N.S 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	Bandana Palai	As PW-1
PW2	The Victim	As PW-2
PW3	Marium Bewa	As PW-3
PW4	SI Mukul Chatterjee	As PW-4 (Investigating Officer)

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	Signature of the de-facto complainant along with her signature on Seizure List dated 18.07.2025

2	Exhibit P-2 Series/PW-1	Journey Ticket along with fine slip
3	Exhibit P-3/PW-1	PAN Card of the victim
4	Exhibit P-4/PW-1	Birth Certificate of the victim
5	Exhibit P-5/PW-1	Registration Certificate of Class-XI of the victim
6	Exhibit P-6/PW-1	Aadhar Card of the accused
7	Exhibit P-7/PW-1	Aadhar Card of the victim
8	Exhibit P-8/PW-1	Production Seizure List 18.07.2025
9	Exhibit P-9/PW-1	Letter of complaint dated 18.07.2025
10	Exhibit P-10/1/PW-1	Signature of PW-1 on Formal FIR
11	Exhibit P-11/PW-4	Formal FIR
12	Exhibit P-12 Collectively/PW-4	Memo of Arrest
13	Exhibit P-13/PW-4	Form/Memo of the victim girl
14	Exhibit P-14 Collectively/PW-4	Rough Sketch Map of the P.O along with Index

B. Defence: Nil

C. Court Exhibits: Nil

D. Materials Objects: Nil

J U D G M E N T

The factual matrix of the case in brief is that on 18.07.25 at about 22.40 hours the de-facto complainant Bandana Palai, S.I, RPF Post Main has lodged a written complaint before Sealdah GRPs to the effect that on 18.07.25 at about 13.00 hours she along with BBA/Ava representative were on drive in Train No.12379 at Platform No.12 at Sealdah Railway Station and they detected one minor girl/the victim girl aged about 16 years with the accused person. On being asked about their relationship they did not give any satisfactory reply. The victim girl revealed that she was living with her maternal grand mother in Uttar Dinajpur and was studying in Class-X. She also stated that she is in relationship with Osman

Gani one and half years under the pretext of marriage, but he had actually married another woman nine months prior. The victim girl was being escorted to Delhi by the accused person without any information to her parents and the victim girl has been subjected to exploitation and was abducted and transported by Osman Gani for further exploitation through illegal means.

On the basis of the written complaint of Sealdah G.R.P.S. Case No.76/2025, dated 18.07.2025 was initiated U/Sec.143(4)/111 (2) (b) of B.N.S.

I.O after due investigation has submitted Charge Sheet in this case vide C.S No.67/25, dated 31.07.2025, U/Sec.69 of B.N.S, after transfer of this case to Tangra P.S.

As the case was initiated U/Sec.143(4)/111 (2) (b) of B.N.S is exclusively triable by the Court of Sessions, so this case was committed before Ld. ADJ, 1st Court, Sealdah, Under Section 232 of B.N.S.S after supply of copies Under Section 230 of B.N.S.S, having cognizance of offence was taken by Ld. ACJM, Sealdah Under Section 210 (1) (b) of B.N.S.

On 04.11.2025 Charge U/Sec.143(4)/111 (2) (b) of B.N.S was framed against the sole accused person. The contents of Charge U/Sec.143(4)/111 (2) (b) 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	Bandana Palai	As PW-1 (De-facto Complainant)
PW2	The Victim	As PW-2
PW3	Marium Bewa	As PW-3 (Grand mother of the victim)
PW4	SI Mukul Chatterjee	As PW-4 (Investigating Officer)

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

Sr. No.	Exhibit Number	Description
1	Exhibit P-1/PW-1	Signature of the de-facto complainant along with her signature on Seizure List dated 18.07.2025
2	Exhibit P-2 Series/PW-1	Journey Ticket along with fine slip
3	Exhibit P-3/PW-1	PAN Card of the victim
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On 30.04.2026, 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. 143(4)/111 (2) (b) of B.N.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 the de-facto complainant SI Bandana Palai in course of her examination-in-chief has stated that on 18.07.25 she was posted at RPF Men and on that day she along with force comprised of lady Constable Kumari Aarti, Head Constable Kamalesh Rajak and a representative of *Bachpan Bachao Andalan* Arijit Adhikary went for a raid to 12379 Up Jailanawalabag Express (Sealdah to Amritshar) at about 12.30 P.M. During routine check up, they found a woman sitting with the accused person. During interrogation, the woman revealed that she was going with her elder brother. When they asked the accused person, he disclosed that the woman is his neighbour. As there was mismatch of the statement of the woman and the accused person, they de-boarded them from the train and took them to RPF Post Sealdah. In course of investigation, the woman disclosed that she had an affair with the accused person since last one and half years. She also revealed that she stayed with her maternal grand mother in the District of Uttar Dinajpur and studies in Class-X, her parents stay in Mumbai. She has not informed her parents. The woman also told them that she was going to Delhi with the accused person to marry him, inspite of knowing that the accused person has married 9 month ago. Accused person also stated to them that they have eloped a day prior to 18.07.2025 and he is taking the woman to Delhi, to a friend's house and they will marry Delhi. Accused person also disclosed that his wife is 5 months pregnant. She has prepared and signed over the Seizure List. In her cross-examination, she has stated that she has documents to show that at the instruction of superior authority, she conducted raid with the members of force on 18.07.25. The name and route of the train was not mentioned in the letter of complaint. She has also

mentioned that she has stated the victim as woman. She has also not submitted any call records to show that she has contacted the parents of the victim.

The victim girl has stated that before the incident, she sometimes used to talk with the accused person as the accused person stays at an adjoining village. She has further stated that she does not have any relation with the accused person. She has also stated that she told the I.O that she along with the accused person came to Sealdah for the purpose of a just visit and they did not have any intention to visit any particular place. She also refused to undergo any medical examination. Her statement U/Sec.164 Cr.P.C was recorded by Ld. Magistrate, Sealdh. She now resides with her parents at Mumbai.

In her cross-examination she has stated that she did not have any direct contact with the accused person. Except her maternal grand mother none of a relatives stay at the village. She has no acquaintance with the accused person. The accused person did not mention any place where they intended to visit and she left home without intimating anyone. She has also stated that as per instruction of police personnel she made statements before Ld. Magistrate.

PW-3 Marium Bewa has deposed on dock to the effect that about 6 months ago one day her grand daughter did not return home after going out from the house. She did not know with whom her grand daughter fled. Police thereafter called her and she went to Sealdah GRPS after receiving call. She went to the home with the police and brought her grand daughter back to her house. Her grand daughter was sent home for 12 days. She was not present when the statement of her grand daughter was recorded U/Sec.164 of Cr.P.C by the Ld. Magistrate, Sealdah.

PW-4 Mukul Chatterjee, the Investigating Officer has contended on dock that as per instruction of then O.C, Sealdah GRPS, he took up the investigation of this case, prepared formal FIR. He also prepared Check List, Inspection and Arrest Memo of the accused. He also gave intimation to the relatives of the victim through SMS in mobile number of the victim. He also filled up form of the victim girl and sent to safe custody on CINI Home. Later the grand mother Marium Bibi has come to the said home and release the victim girl from there. He has also recorded the statement of the de-facto complainant, victim, Marium Bibi, RPF Personnel and Seizure witnesses in course of his investigation. He also made requisition towards recording the statement of the victim girl U/Sec.183 of BNSS before Ld. Magistrate, Sealdah and collected the copy of the said statement. After completion of investigation, he has submitted Charge Sheet in this case vide CS No.67/25, dated 31.07.25, U/Sec.143(4)/111 (2)(b) of BNS.

From the scrutiny of the evidence of the prosecution witnesses including the victim girl I did not find the ingredients of offence U/Sec.143(4) of BNS which embodies the punishment for the offence of trafficking of a child by abduction or by practicing fraud or deception or by inducement including of the giving or receiving of payments or benefits in order achieve the consent of any person having control over the person transported, harboured transferred or received, as none of the witnesses have stated anything incriminating against the accused person. Naturally, the offence of Organized crime as defined within section 111 of BNS which includes human trafficking for prostitution or ransom by any person is not attracted in this case.

Thus, the benefit of doubt cannot be denied to the accused person under such facts and circumstances to meet the best interest

of justice, as the prosecution has failed to establish this case beyond the shadow of every reasonable doubt.

Before parting, I would hasten to that **Lord Denning** has one observed that in Criminal Trial for acquittal of the accused on the ground of doubt, the doubt must be of a reasonable man and a standard adopted by a reasonable and just man for coming to a conclusion considering the particular subject matter.

Hence, it is,

Ordered

That the accused person viz. Osman Gani U/Sec.143(4)/111 (2)(b) of B.N.S and acquitted U/Sec. 258(1) of B.N.S.S.

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, 2nd Court, Sealdah
JO Code WB01015

Addl. Sess. Judge.
Fast Track, 2nd Court, Sealdah.