

S.T. No. 06(11)2025
CIS No.99 of 2022

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Order No.07
Dt.07.03.26

Today's date is fixed for further evidence and appearance of the accused persons.

All the 04 accused persons namely 1.Kartick Ghosh, 2.Shankar Ghosh, 3. Rupali Ghosh & 4. Chitta Ghosh are present by filing hazira.

Ld. P.P. in charge is present but no witness turned up.

This is a case u/s.498A/325/307/34 IPC in which prosecution has already examined the defacto complaint/victim lady as P.W. 1, father of the victim lady and one another relative of the victim lady as P.W. 2 and 3 respectively. The evidence of all the above referred three witnesses do not make out any case u/s.498A/325/307/34 IPC. Therefore, this Court finds no justifiable ground to adjourn the proceeding for the purpose of getting the other witnesses examined before the Court.

Hence, the evidence is closed.

There being no incriminating materials in the evidence of P.W. 1, 2 and 3, the examination of the accused persons u/s.313 Cr.P.C. is dispensed with.

Heard both sides.

Record is taken up for passing necessary order.

This case was initiated based on a written complainant lodged by one Sadhana Ghosh alleging physical and mental torture upon her by her husband and other in laws.

Having received such complaint Raidighi P.S. Case No.118/20 was started and accordingly FIR was chalked out and investigation was endorsed to S.I. Arpan Nayak who on completion of investigation submitted charge sheet u/s.498A/325/307/34 IPC against the accused persons. Matter was accordingly committed before the Court of Ld. Addl. Sessions Judge, Diamond Harbour and thereafter the case record was transferred to this Court for trial and disposal.

Having receipt the case record on transfer charge was framed against the accused persons u/s.498A/325/307/34 IPC based on the prima facie materials on record. Consequently, trial commenced during which prosecution examined three witnesses namely the defacto complainant cum victim lady Sadhana Ghosh, Gopal Chaprasi (father of the victim lady) as P.W. 2 & one Soma Chaprasi (relative of the victim lady) as P.W. 3.

During the course of evidence, the victim lady/P.W. 1 made no incriminating statement against the accused persons but simply stated that she had an argument with her husband for which she was upset and lodged a diary. In her cross examination P.W. 1 further stated that she cannot recollect the contents of the FIR and that she has been leading conjugal life with her husband.

P.W. 2 Gopal Chaprasi in his evidence candidly stated that he does not know as to why his daughter lodged the complaint and that he has no idea about any incident of this case.

Likewise P.W. 3 Soma Chaprasi also in her evidence stated that she does not know the reasons to why and against whom Sadhna Ghosh lodged the complaint and that she has no idea about any incident of this case.

The evidence of all three witnesses as mentioned above, since being no evidence at all, this Court has no other alternative left but to invoke the provision of section 232 Cr.P.C. and record an order of acquittal.

In the result, prosecution case fails.

Hence it is,

Ordered

that the accused persons are found not guilty of the offence u/s 498A/325/307/34 IPC.

The accused persons are acquitted u/s 232 Cr.P.C.

The accused persons are discharged from their respective bail bonds and are set at liberty.

There being no seizure in the case, I have no order to pass to that effect.

Addl. Sessions Judge
F.T.C. II, D/ Harbour