



**HIGH COURT OF TRIPURA
AGARTALA
Crl. Rev. P. No. 46 of 2025**

Sri Bijoy Baidya,
S/O: Lt. Mantu Kr. Baidya,
R/O: Rajarbagh, PS-R K Pur,
Udaipur, Gomati Tripura.

----- Petitioner(s)

Versus

The State of Tripura

----- Respondent(s)

For Petitioner(s)	: Mr. Pijush Kanti Biswas, Sr. Adv. Mr. Rishiraj Nath, Adv. Mr. Pujan Biswas, Adv.
For Respondent(s)	: Mr. Soumyadeep Saha, Addl. P. P.
Date of hearing	: 14.09.2026
Date of delivery of judgment	: 24.09.2026
Whether fit for reporting	: Yes

HON'BLE MR. JUSTICE BISWAJIT PALIT
Judgment & Order

The present revision petition under Section 397 read with Section 401 of the Code of Criminal Procedure, 1973, has been filed challenging the judgment dated 04.07.2025 passed by the Learned Additional Sessions Judge, Gomati District, Udaipur, whereby the judgment and order of conviction and sentence dated 13.09.2024 passed by the Learned Chief Judicial Magistrate, Gomati District, Udaipur, in connection with PRC (WP) No. 118 of 2024, was upheld.

2. Heard Learned Sr. Counsel Mr. Pijush Kanti Biswas, assisted by Learned Counsel Mr. Rishiraj Nath and Mr. Pujan Biswas, appearing on behalf of the petitioner-accused also heard Learned Addl. PP Mr. Soumyadeep Saha, appearing on behalf of the State-respondent.

3. At the time of hearing, Learned Senior Counsel appearing on behalf of the petitioner-accused, first of all drawn the attention of the Court to the contents of the FIR lodged by the alleged victim and submitted that, on the basis of the FIR lodged by the alleged victim, R.K. Pur Woman P.S. Case No. 14 of 2020 under Section 354 of the IPC was registered against the petitioner-accused.

4. After completion of investigation, the Investigating Officer (I.O.) submitted charge-sheet against the present petitioner-accused. Thereafter, the petitioner-accused stood trial before the Learned Trial Court. Upon conclusion of the trial, the learned Trial Court found the petitioner-accused guilty and convicted him accordingly.

5. It was further submitted by Learned Sr. Counsel appearing for the petitioner-accused, referring to the contents of the FIR and the evidence on record, that none of the students who used to pursue their studies at the residence of the present petitioner-accused was cited as witness by the prosecution in this case. It was further submitted that no study material was seized by the I.O. during the course of investigation to substantiate the allegation that the alleged victim had gone to the residence of the

petitioner-accused on the alleged date for the purpose of taking private tuition.

6. More importantly, it was submitted that, soon after the alleged incident, the alleged victim did not report the matter to any person in the vicinity, which, according to the Learned Sr. Counsel, casts a doubt upon the version of the prosecution. It was further submitted that the evidence adduced by the prosecution suffers from material infirmities and contains contradictions on material particulars. Referring the above, it was argued that there was no sufficient basis to hold the petitioner-accused guilty of the alleged offence. However, according to the Learned Sr. Counsel, the learned Trial Court failed to properly appreciate the evidence on record while delivering the judgment, and the Learned Appellate Court also, without proper appreciation of the evidence on record, affirmed the conviction and sentence awarded by the Learned Trial Court. Hence, Learned Sr. Counsel urged for interference of the judgment.

7. Thus, Learned Senior Counsel, in summing up his submissions, submitted that the evidence adduced by the prosecution suffers from material infirmities and that the prosecution witnesses failed to give any specific evidence establishing the involvement of the petitioner-accused in the alleged commission of the offence. Accordingly, Learned Senior Counsel urged that the judgment and order of conviction passed by the learned Trial Court be set aside.

8. On the other hand, Learned Additional Public Prosecutor, Mr. S. Saha, appearing on behalf of the State-respondents, at the very outset, drawn the attention of the Court to the statement of the petitioner-accused recorded under Section 313 of the Cr.P.C., wherein he had categorically denied that he used to conduct private tuition to any person. Apart from making a complete denial of the allegations levelled by the prosecution, although the petitioner-accused expressed his intention to adduce evidence in support of his defence, ultimately, he failed to adduce any evidence in support thereof. Furthermore, learned Additional Public Prosecutor submitted that, despite the cross-examination of the prosecution witnesses, the petitioner-accused could not create any doubt in, or otherwise discredit, the evidence brought on record by the prosecution witnesses.

9. It was further submitted that the evidence of the victim is trustworthy and there is no reason to disbelieve her testimony. It was further submitted that, at the time of the alleged occurrence, the victim was alone to the alleged place of occurrence and, therefore, there was naturally no occasion for any student to be present or to be examined in support of the prosecution case. It was also submitted that offences of such nature generally takes place within the four corners of the wall and, therefore, it is quite natural that the alleged offence was committed in the absence of any independent public or witness.

10. Learned Additional Public Prosecutor further submitted that there was no plea on behalf of the petitioner-accused that any enmity existed between the petitioner-accused and the family of the victim. It was further submitted that the petitioner-accused had not specifically denied the allegations made by the prosecution. Summing up his submissions, Learned Additional Public Prosecutor contended that the Learned Trial Court, as well as the Learned Appellate Court, had rightly appreciated the evidence on record and upheld the judgment of conviction passed by the Learned Chief Judicial Magistrate. It was, therefore, submitted that there was no infirmity in the judgment and order passed by the Learned Additional Sessions Judge, Gomati District, Udaipur.

11. Thus, Learned Additional Public Prosecutor, in summing up of his submissions, urged that the present revision petition be dismissed and prayed before the Court to uphold the judgment of conviction and order of sentence passed by the Learned Additional Sessions Judge, Gomati District, Udaipur. In support of his contention, learned Additional Public Prosecutor relied upon a judgment, which shall be discussed at a later stage.

12. Heard both the sides.

13. In the present case, the prosecution was set into motion on the basis of an FIR lodged by the victim to the O.C. R.K. Pur Women P.S. on 11.02.2020, alleging, inter alia, that she was a student of Class XII at Brilliant Stars School. She was residing at

Rajapur and, like as on other days, on the date of the alleged occurrence, she went to the residence of the petitioner-accused to attend her Mathematics tuition. While the victim was attending the tuition, the petitioner-accused allegedly started pulling her cheeks then touched her thigh and suddenly pressed her breasts. Thereafter, she stopped attending the tuition, returned home, and informed her mother about the incident and hence she laid the FIR.

14. On the basis of the FIR, R.K. Pur Women P.S. Case No. 14 of 2020 was registered under Section 354 of the IPC. The case was thereafter investigated, and upon completion of the investigation, the Investigating Officer submitted charge-sheet against the present petitioner-accused. Before the Learned Trial Court, formal charge under Section 354 of the IPC was framed against the petitioner-accused. In order to substantiate the charge, the prosecution examined in total seven nos. of witnesses. During the course of investigation, on the prayer of the Investigating Officer, the statement of the victim was also recorded under Section 164(5) of the Cr.P.C.

15. PW-1, victim (name withheld), deposed that she was studying in class XII at Brilliant Star School in Udaipur. On 11.02.2020, at about 6:30 p.m., she went to the residence of the petitioner-accused to attend her tuition. At that time, she noticed that the other students who were supposed to attend the tuition along with her were not present and, as such, she was alone there.

Thereafter, her teacher, i.e. the petitioner-accused, started teaching her Mathematics. However, all on a sudden, he pulled her cheeks and then he kept his hand on her left thigh and suddenly pressed her left breast. Immediately thereafter, she returned home and informed her parents about the incident.

She further deposed that the ejahar was lodged on 11.02.2020 and that she had put her signature thereon. She identified the ejahar, which was marked as Exhibit-P1, and also identified her signature thereon, which was marked as Exhibit-P1/1. She further stated that, during the course of investigation, her statement was recorded before the Court under Section 164(5) of the Cr.P.C. She identified the said statement, which, upon identification, was marked as Exhibit-P2/1 and Exhibit-P2/2. She also identified the petitioner-accused before the Court. Nothing material could be elicited from her evidence except denial. She further stated that she, along with three other students, used to regularly take Mathematics tuition from the petitioner-accused.

16. PW-2 namely Sri Tapash Kr. Datta, is the father of the victim, deposed that the victim had lodged a case against her teacher, i.e. the present petitioner-accused. He stated that, like as on other days, on 11.02.2020 at about 6:00 p.m., he had dropped his daughter at the residence of the petitioner-accused for attending tuition. After about an hour, he received a telephone call from his wife, who asked him to return back home immediately. Thereafter, he, along with his friend, namely, Ranjit Kr. Saha,

immediately returned home and came to know from his daughter that her teacher, i.e. the accused herein, had touched her cheeks, thigh and also touched her breast. Thereafter, he informed the matter to his brother-in-law, namely, Mintu Acharjee, and also to his sister-in-law's husband, namely, Subrata Roy, about the incident. Subsequently, they went to R.K. Pur P.S., and he identified the accused in the dock.

During cross-examination, he stated that he had been examined by the police in connection with the case. He, however, admitted that he had not stated to the I.O. that, after receiving the telephone call from his wife, he had returned back home along with his friend, namely, Ranjit Kr. Saha. He further admitted that he had not stated to the I.O. that, after receiving the information from his daughter, he had informed his brother-in-law, namely, Mintu Acharjee, and his sister-in-law's husband, namely, Subrata Roy, about the incident and thereafter went to R.K. Pur P.S. for lodging the complaint.

17. PW-3 namely Smti Tanusree Dey Datta, the mother of the victim, deposed that on 11.02.2020 at 6-6.30 pm her daughter went to the residence of accused house for her tuition. But after one hour her daughter returned back home hurriedly and stated that while taking tuition, the accused misbehaved with her daughter, he touched her cheeks, her thigh and also touched her breast with bad intention. After that she informed this matter to her husband over phone. Her husband along with his friend Mintu

Acharjee rushed to the house and thereafter her husband along with others went to the PS for lodging complaint against the petitioner accused and identified the accused in the dock.

During the cross examination she stated that the house of accused is situated in their locality. Her daughter and other students also take tuition from the accused. Nothing more came out relevant from her cross examination.

18. PW-4 namely Sri Ranjit Kr. Saha, is the friend of the father of the victim, deposed that on 11.02.2020, at about 7:00–7:15 p.m., he was at Ramesh Chowmuhanani along with the father of the victim. At that time, the wife of Tapas Kr. Datta called him over telephone and requested him to return home immediately. Thereafter, this witness, along with Tapas Kr. Datta, rushed to his house and found several local people gathered there in. He also found Tapas Kr. Datta's daughter crying. Upon being asked, she stated that, on that day, she had gone to the residence of her private tutor, i.e. the present accused, for attending tuition and at that time, no other students were present. Taking advantage of the situation, her teacher, i.e. the accused herein, had allegedly misbehaved with her and touched her cheeks, thigh and also touched her left breast with bad intention. The witness identified the accused in the dock.

During cross-examination, he stated that he had not been examined by the police and, therefore, he had appeared before the Court for the first time after the incident. He further admitted that,

when they reached the house of Tapas Kr. Datta, approximately 10–15 persons were present there. He could not say whether the accused had been manhandled by anyone. He further stated that, after the incident, he came to know from the local people that the accused was the Headmaster of a Government Higher Secondary School and had been working as a teacher for more than 20 years. He also stated that, prior to the alleged incident, he had never heard of any such allegation against the petitioner-accused.

He further stated that he had no knowledge since when the victim had been taking tuition from the accused or the amount of tuition fees charged by him. He stated that the distance between the residences of the accused and Tapas Kr. Datta was approximately 100 metres. He further stated that the accused had been residing in the house of his father-in-law, namely, Shakti Ranjan Roy Barman, who was also a renowned teacher and the Secretary of Arunachal Sangha. Nothing further material could be elicited from his cross-examination, save and except denial.

19. PW-5 namely Sri Mintu Acharjee, was declared as hostile by the prosecution, and the relevant portion of his statement was marked as Exhibit-P3. He further stated that he did not know any person namely Bijoy Baidya.

During cross-examination, he stated that Tapas Kr. Datta is the full-blooded brother of his wife.

20. PW-6 namely Sri Subrata Roy, deposed that on 11.02.2020, at about 8:00 p.m., he and his wife were informed by his wife's elder sister that some incident had occurred. Accordingly, they immediately went to her house. On reaching there, he came to know that the present accused had allegedly misbehaved with the victim and touched her body. Upon being asked, the victim also told him that, on that day, when she had gone to take tuition from her teacher, i.e. the present accused herein touched her thigh and her left breast. He stated that he had advised the parents of the victim to approach the police and take necessary action against the petitioner-accused.

During cross-examination, he stated that he knew the accused, Bijoy Baidya, since their school days and that the accused was a Government teacher. He reached the house of his wife's elder sister at about 8:10 p.m. He could not say whether Bijoy Baidya had been manhandled by anyone. He further stated that, when he reached the house of the victim, he found the accused, the parents of the victim, and the friends of the victim's father present there in.

He was confronted with his statement recorded by the I.O., wherein he had allegedly stated that, upon being asked by him, the victim had told him that, when she went to the residence of the accused, the accused had committed the alleged offence. However, that portion of the statement was not found recorded in

the statement of the witness. Nothing further material could be elicited from his cross-examination.

21. PW-7 the IO of this case, she deposed that on 11.02.2020, she was posted as WSI at R.K. Pur Women P.S. On that day, WSI Ripita Bhattacharjee was the Duty Officer. The Duty Officer received a written complaint from the victim, and the witness identified the endorsement/receipt note made by the Duty Officer thereon, which, upon identification, was marked as Exhibit-P1/1. The printed FIR form was also filled up by the Duty Officer, which the witness identified and was marked as Exhibit-P3.

Upon being entrusted with the investigation, she visited the place of occurrence and prepared hand-sketch map along with the index, which she identified and were marked as Exhibit-P4 and Exhibit-P4/1, respectively. She examined the available witnesses and recorded their statements under Section 161 of the Cr.P.C. She also produced the victim before the competent Court for recording her judicial statement, caused the arrest of the accused, and proved Exhibit-P3.

During cross-examination, she stated that, as per the printed FIR form, the complaint was registered on 11.02.2020 and on the same day, she caused arrest of the accused. She further stated that she had not mentioned in the case diary as to whether the accused had been manhandled or not. She also stated that she had not registered any case regarding the alleged manhandling of the accused.

She further stated that, on the alleged date of occurrence, the accused was the Headmaster of East Photamati School. She admitted that she had not made any enquiry either from the house of the complainant or from the house of the accused regarding private tuition in Mathematics. She also admitted that she had neither examined any other student who used to take tuition along with the victim, nor seized any study materials.

She further stated that witness Subrata Roy had not specifically stated to her that he came to know about the alleged incident from the victim, but had only stated that he came to know about the fact after reaching the house of the victim.

She further stated that no complaint had been made to the competent authority against the accused regarding his alleged act of conducting private tuition. However, she volunteered that, on the alleged date of occurrence, there was no other student attending private tuition along with the victim.

These are the synopsis of the evidence on record of the prosecution.

22. From the evidence on record, it appears that, on the alleged day, the victim had gone to the residence of the present petitioner-accused to attend private tuition in Mathematics and at the time of the alleged incident, apart from the victim, no other student was present there, and the victim herself has specifically stated this fact in her evidence.

23. It is quite natural that an occurrence of such nature takes place in the absence of any independent person or eyewitness, and such incidents generally occur within the four corners of the wall. In the present case, soon after the alleged occurrence, the victim returned back home and narrated the incident to her mother, who thereafter informed the father of the victim and his friend. All these persons appeared before the Court as witnesses and, in material particulars, supported the version of the victim.

The petitioner-accused, despite cross-examining the prosecution witnesses, could not bring out any material contradiction or inconsistency so as to create a reasonable doubt regarding the credibility of their evidence.

24. Although learned Senior Counsel, during the course of hearing, submitted that the prosecution witnesses did not support the version of each others. But upon careful analysis of the evidence on record, it appears that the witnesses have, in a clandestine manner, corroborated one another as well as the version of the victim. As already stated, the present petitioner-accused could not discard the credibility of their evidence in the course of cross-examination.

25. PW-4 was declared hostile by the prosecution. Although the prosecution could not derive any substantial benefit from his evidence.

However, the evidence of the other prosecution witnesses, when considered as a whole, does not give rise to any ground to disbelieve their testimony. The I.O. was also subjected to extensive cross-examination; however, the petitioner-accused, through the course of cross-examination, could not discard her evidence.

More importantly, the petitioner-accused, in support of his defence, could not specifically deny that he had been conducting private tuition on the alleged date of occurrence.

26. Furthermore, during his examination under Section 313 of the Cr.P.C., the petitioner-accused did not dispute this aspect. Rather, he denied the prosecution allegations as well as the fact that he was conducting private tuition. Learned Senior Counsel appearing for the petitioner-accused took the plea that the prosecution had failed to examine any student in support of the version of the victim and had also failed to seize any study material in the course of investigation. However, when the victim herself had specifically stated that, at the time of the alleged occurrence, apart from herself, no other student was present, so the aforesaid plea of the petitioner-accused cannot be accepted. The petitioner-accused also denied the other allegations levelled against him.

27. Rather, the petitioner-accused fairly submitted that he had no enmity with the family of the victim so as to suggest that he had been falsely implicated in the case. He specifically stated that,

after becoming the Headmaster in the year 2006, he had never conducted any private tuition. However, it is noteworthy that, except PW-4, Mintu Acharjee, the other prosecution witnesses categorically stated that the petitioner-accused was conducting private tuition. Whether conducting private tuition was in violation of any Government circular or otherwise, constituted an offence or not is not relevant for adjudication of the present case.

28. Learned Senior Counsel, during the course of hearing, submitted that the prosecution had failed to explain why the accused had gone to the residence of the victim. It was further submitted that it might have been the case that, out of fear, the petitioner-accused had gone to the residence of the victim soon after the alleged occurrence. It was also pleaded that the petitioner-accused had been manhandled. However, in this regard, the Investigating Officer categorically stated that no such fact had been brought on record or noted during the course of investigation.

29. During the course of hearing, Learned Additional Public Prosecutor relied upon a decision of the Hon'ble Supreme Court of India reported in **(2004) 1 SCC 215, Vidyadharan v. State of Kerala**, wherein, in paragraphs 8 to 10, the Hon'ble Supreme Court observed as follows:

"8. We shall first deal with the plea of false implication. It is seen that though there was some delay in lodging the FIR, it is but natural in a tradition-bound society to avoid embarrassment, which is inevitable when the reputation of a woman is concerned. Delay in every case cannot be

a ground to arouse suspicion. It can only be so when the delay is unexplained. In the instant case the delay has been properly explained. Further, PW 2 is an independent witness and a neighbour of both the accused-appellant and PW 1. There is no reason as to why he would falsely implicate the appellant. A charge under Section 354 is one which is very easy to make and is very difficult to rebut. It is not that on account of enmity false implications are made. It would, however, be unusual in a conservative society that a woman would be used as a pawn to wreak vengeance. When a plea is taken of false implication, courts have a duty to make deeper scrutiny of the evidence and decide the acceptability or otherwise of the accusations. In the instant case, both the trial court and the High Court have done that. There is no scope for taking a different view.

9. In order to constitute the offence under Section 354 mere knowledge that the modesty of a woman is likely to be outraged is sufficient without any deliberate intention of having such outrage alone for its object. There is no abstract conception of modesty that can apply to all cases. (See State of Punjab v. Major Singh [AIR 1967 SC 63 : 1967 Cri LJ 1] .) A careful approach has to be adopted by the court while dealing with a case alleging outrage of modesty. The essential ingredients of the offence under Section 354 IPC are as under:

(i) that the person assaulted must be a woman;

(ii) that the accused must have used criminal force on her; and

(iii) that the criminal force must have been used on the woman intending thereby to outrage her modesty.

10. Intention is not the sole criterion of the offence punishable under Section 354 IPC, and it can be committed by a person assaulting or using criminal force to any woman, if he knows that by such act the modesty of the woman is likely to be affected. Knowledge and intention are essentially things of the mind and cannot be demonstrated like physical objects. The existence of intention or knowledge has to be culled out from various circumstances in which and upon whom the alleged offence is alleged to have been committed. A victim of molestation and indignation is in the same position as an injured witness and her testimony should receive the same weight. In the instant case after careful consideration of the evidence, the trial court and the High Court have found the accused guilty. As rightly observed by the courts below, Section 3(1)(xi) of the Act which deals with assaults or use of force to any woman belonging to a Scheduled Caste or Scheduled Tribe with the intent to dishonour or outrage her modesty is an aggravated form of the offence under Section 354 IPC. The only difference between Section 3(1)(xi) and Section 354 is essentially the caste or the tribe to which the victim belongs. If she belongs to a Scheduled Caste or Scheduled Tribe, Section

3(1)(xi) applies. The other difference is that in Section 3(1)(xi) dishonour of such victim is also made an offence. Section 448 provides for punishment relating to house trespass. In order to sustain the conviction under Section 448 IPC it must be found that the intention of the accused was to commit an offence or to intimidate, insult or annoy the complainant. There must be unlawful entry and there must be proof of one or the other of the intentions mentioned in Section 441 IPC. In the case at hand, evidence clearly establishes the commission of offence punishable under Section 448."

30. Referring to the aforesaid decision, Learned Additional Public Prosecutor drawn the attention of the Court to the observation that the existence of intention or knowledge has to be inferred from the various circumstances in which, and the manner in which, the alleged offence was committed. It was further submitted that the testimony of a victim of molestation and indignation stands on the same footing as that of an injured witness and, therefore, her testimony deserves due weight and consideration.

31. Referring to the aforesaid judgment, Learned Additional Public Prosecutor further submitted that the alleged victim, in her deposition before the Court, clearly and categorically stated as to how the petitioner-accused had allegedly committed the offence upon her in the absence of any other student. It was further submitted, referring to the aforesaid judgment, that the Hon'ble Supreme Court has observed that a careful approach has to be adopted by the Court while dealing with a case alleging outraging of the modesty of a woman.

32. In the case at hand, as already discussed, the prosecution witnesses have, in clear and categorical terms, deposed regarding

the involvement of the present petitioner-accused with the alleged commission of offence. The petitioner-accused, despite extensive cross-examination of the prosecution witnesses, could not create any material doubt or bring out any circumstance sufficient to discredit the evidence of the victim, her parents, or the other independent witnesses.

33. Thus, it appears to this Court that the Learned Trial Court, upon proper appreciation and analysis of the evidence on record, rightly found the present petitioner-accused guilty of the alleged offence and convicted him accordingly. The learned Appellate Court, upon reappraisal of the evidence on record, also rightly upheld the judgment and order of conviction passed by the Learned Trial Court. Accordingly, this Court finds no perversity, illegality, or infirmity in the judgment and order passed by the learned Additional Sessions Judge, Gomati District, Udaipur.

34. It is also pertinent to note that, during examination under Section 313 of the Cr.P.C., the petitioner-accused stated before the learned Trial Court that he would adduce defence evidence in support of his case. However, ultimately, he did not examine any witness or adduce any evidence in support of his defence. Moreso, the mere failure of the accused to adduce defence evidence cannot, by itself, be treated as a circumstance establishing his guilt; the prosecution must stand on its own evidence. In the present case, as discussed hereinabove, the evidence adduced by the prosecution has sufficiently established its case against the petitioner-accused.

35. Thus, upon hearing Learned counsel appearing for both sides and on meticulous examination of the evidence on record, it appears that the prosecution has successfully established the charge levelled against the petitioner-accused. Accordingly, both the Learned Courts below have rightly found the petitioner-accused guilty of the alleged offence.

36. In the case at hand, upon hearing both sides and having regard to the judgment of the Hon'ble Apex Court as well as the evidence available on record, this Court finds no perversity, illegality, or infirmity in the judgment and order passed by the Learned Trial Court, which has been affirmed by the Learned Appellate Court.

37. In the result, the revision petition filed by the petitioner-accused stands dismissed, being devoid of merit. The petitioner-accused is directed to surrender before the learned Trial Court on **12.10.2026.**

Let the record be sent down to the Learned Trial Court along with a copy of this judgment / order.

With the aforesaid observations and directions, the present Criminal Revision Petition stands disposed of.

Pending application(s), if any, also stand disposed of.

JUDGE

SATABDI DUTTA

Satabdi

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