

WBMD040054932023



In the Court of Ld. Judicial Magistrate, 1<sup>st</sup> Court, Berhampore,  
Murshidabad.

Present-Najmus Sahar  
JO Code-WB01355

Date of Delivery of Judgment:- 27<sup>th</sup> day of April, 2026

G.R. Case No. 505/2023

T.R. No. 1266/23

C.I.S. No. 505/2023

CNR No. WBMD040054932023

Arising out of Rejinagar PS case No. 37/23, *dated 04.02.2023* under  
section 341/323/506/34 of the Indian Penal Code, 1860.

|                        |                                                                                                                             |
|------------------------|-----------------------------------------------------------------------------------------------------------------------------|
| <i>Complainant:</i>    | State of West Bengal                                                                                                        |
| <i>Represented By:</i> | Shri. Siddhartha Gupta Ld. APP                                                                                              |
| <i>Accused:</i>        | 1. Sadrul Amin,<br>2. Samsad Begam,<br>3. Suraya Begum,<br>4. Jiarul Hoque,<br>5. Maskura Khatun and<br>6. Saifuddin Biswas |
| <i>Represented By:</i> | Saddam Sk, the Ld. Advocate                                                                                                 |

|                                           |            |
|-------------------------------------------|------------|
| <i>Date of Offence</i>                    | 27.11.2022 |
| <i>Date of First Information Report</i>   | 04.02.2023 |
| <i>Date of Charge sheet</i>               | 20.02.2023 |
| <i>Date of Framing of Charge/Plea</i>     | 10.01.2024 |
| <i>Date of Commencement of Evidence</i>   | 17.04.2026 |
| <i>Date on which Judgment is reserved</i> | NA         |
| <i>Date of Judgment</i>                   | 27.04.2026 |
| <i>Date of Sentencing Order, if any,</i>  | NA         |

Form-A  
Accused Details:

|                 |                 |                |                    |                 |                      |          |                     |
|-----------------|-----------------|----------------|--------------------|-----------------|----------------------|----------|---------------------|
| Rank of Accused | Name of Accused | Date of arrest | Date of release on | Offence charged | Whether acquitted or | Sentence | Period of detention |
|-----------------|-----------------|----------------|--------------------|-----------------|----------------------|----------|---------------------|

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|                                            |                                                                                                                                |    |                                  |                              |           |         |                                                            |
|--------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------|----|----------------------------------|------------------------------|-----------|---------|------------------------------------------------------------|
|                                            |                                                                                                                                |    | Bail                             | with                         | convicted | imposed | undergone during trial for the purpose of Section 428 CrPC |
| A-1<br>A-2<br>A-3<br><br>A-4<br>A-5<br>A-6 | 1. Sadrul Amin,<br>2. Samsad Begam,<br>3. Suraya Begum,<br>4. Jiarul Hoque,<br>5. Maskura Khatun<br>and<br>6. Saifuddin Biswas | NA | 16.02.2023<br>all the<br>accused | 341/323/<br>506/34<br>of IPC | acquitted | NA      | NA                                                         |

Form-B

List of Prosecution / Defense / Court Witness:

A. Prosecution Witness

| Rank  | Name              | Nature of Evidence<br>(Eye Witness, Police Witness, Expert Witness,<br>Medical Witness, Panch Witness, Other<br>Witness) |
|-------|-------------------|--------------------------------------------------------------------------------------------------------------------------|
| PW 01 | Ashmahammad Sk    | De facto complainant                                                                                                     |
| PW 02 | Md. Ruhul Amin Sk | Son of the De facto complainant                                                                                          |

B. Defense Witness, if any,

| Rank       | Name       | Nature of Evidence<br>(Eye Witness, Police Witness, Expert<br>Witness, Medical Witness, Panch<br>Witness, Other Witness) |
|------------|------------|--------------------------------------------------------------------------------------------------------------------------|
| <i>NIL</i> | <i>NIL</i> | <i>NIL</i>                                                                                                               |

C. Court Witness, if any,

| Rank       | Name       | Nature of Evidence<br>(Eye Witness, Police Witness, Expert<br>Witness, Medical Witness, Panch<br>Witness, Other Witness) |
|------------|------------|--------------------------------------------------------------------------------------------------------------------------|
| <i>NIL</i> | <i>NIL</i> | <i>NIL</i>                                                                                                               |

Form-C

List of Prosecution / Defense / Court Exhibits:

A. Prosecution:

| Srl. No. | Exhibit Number     | Description                                             |
|----------|--------------------|---------------------------------------------------------|
| 1.       | Exhibit – 1/P.W.-1 | <i>The signature of P.W.-1 on the written complaint</i> |

B. Defense:

| Srl. No.   | Exhibit Number | Description |
|------------|----------------|-------------|
| <i>NIL</i> | <i>NIL</i>     | <i>NIL</i>  |



C. Court Exhibit:

| Srl. No.   | Exhibit Number | Description |
|------------|----------------|-------------|
| <i>NIL</i> | <i>NIL</i>     | <i>NIL</i>  |

D. Material Objects:

| Srl. No.   | Exhibit Number | Description |
|------------|----------------|-------------|
| <i>NIL</i> | <i>NIL</i>     | <i>NIL</i>  |

J U D G M E N T

**Factual Matrix:-**

The instant case is under section **341/323/506/34 of the Indian Penal Code, 1860**. This case was initiated on the basis of FIR lodged by the Officer-in Charge of **Rejinagar PS**.

The allegations against the accused person who happens to be the familiar of the de-facto-complainant.

It is stated by the de-facto complainant that his son being the PW-2 got married with one Suraya Begam and started leading conjugal life at the house of the de-facto complainant. But during their conjugal life some marital dispute arose and his daughter-in-law left his house and took shelter to her paternal home. Therefore, she gave birth one female daughter. On hearing this news the de-facto complainant along with his relative went to see his grand-daughter. And when they reached in the house of the above named accused persons they started using filthy languages towards them and assaulted the de-facto complainant and his family members. Hence the complainant filed this case against the accused person.

Ultimately, on receipt of the complainant **Rejinagar PS case No. 37/23 dated 04.02.2023** was started under section **341/323/506/34 of the Indian Penal Code**.

One Md. Saberul Sk, **A.S.I. of Rejinagar PS** investigated the matter and submitted Charge Sheet being **No. no. 32/23 dated 20.02.2023 U/S. 341/323/506/34 of the Indian Penal Code, 1860** was submitted against the aforesaid accused person.



Later on charge was framed by this court under section **341/323/506/34 of the Indian Penal Code, 1860**, against the aforesaid accused person and the contents of the said charge was read over and explained to the accused person to which he pleaded not guilty and claimed to be tried. Hence, the trial began as this court exercises the jurisdictional domain of the issue.

**Evidence Adduced :-**

To prove the prosecution case prosecution has been able to examine **two** witnesses arrayed in charge sheet, as follows:-

**A. Prosecution Witness**

|       |                   |                                 |
|-------|-------------------|---------------------------------|
| PW 01 | Ashmahammad Sk    | De facto complainant            |
| PW 02 | Md. Ruhul Amin Sk | Son of the De facto complainant |

The witness was cross examined by the defence. The signature of the de-facto complinant on the written complaint is marked as **Exhibit-1, PW-1** on behalf of the prosecution.

**:- Points for Consideration :-**

After exhausting the above procedures the case was posted for hearing of arguments. After considering every possible facet in this case and considering the materials available the points for determination are arrayed as under:

- a) Was the de facto complainant able to bring the charges against the accused persons and or whether he has supported the case of the prosecution ?
- b) Is the accused persons are guilty of the offence punishable under sections **341/323/506/34 of the Indian Penal Code, 1860**?

**Decisions With Reasons**

From the testimony of P.W.1 being the de facto complainant of this case, it appears that although he has identified the accused person on dock but categorically stated that there was a dispute with the accused person following an altercation relating to their family matter and the accused person assaulted him and his relative. As a result, they received injuries and treated by hospital. But during cross examination he categorically stated that he does not know the content of the FIR and he also stated that he does not know who assaulted



whom at the time of incident as many people gathered there. He also admitted that out of anger and misunderstanding he had filed the case but at present the matter has been amicably settled between them out of court and having a cordial relation with each other. The PW-2 has corroborated the same version as PW-1.

On hearing the argument from both sides and on perusal of the prosecution evidences, it appears that it is only the prosecution on whose instance the prosecution evidence has been closed without examining any other independent witness or the I.O. As only two evidences have been adduced by the prosecution. This court has no other alternative but to rely on the testimony of the de-facto complainant.

In view of the above discussion and on appraisal and analysis of the evidence on record this Court have no hesitation to hold that the prosecution has miserably failed to establish the case against the accused persons. The evidence of the prosecution witness does not corroborate the complain it is neither cogent, clear not reliable for convicting the accused persons. It is a well settled principal of law that a criminal charge has to be proved beyond reasonable doubt.

I therefore hold that the essential ingredients to connect the accused persons with the offence punishable under section under sections **341/323/506/34 of the Indian Penal Code, 1860** is very much absent in the present case.

In fact, the prosecution has failed to bring home any iota of evidence that after the marriage, the accused persons tortured the complainant, whereby the prosecution fails to constitute the offences including the ingredients of such offences as demanded by Indian Penal Code.

All the points are thus answered in the negative.

In the result prosecution case fails and the accused persons merit acquittal.



Hence, it is

**O R D E R E D**

That the accused persons namely, **1. Sadrul Amin, 2. Samsad Begam, 3. Suraya Begum, 4. Jiarul Hoque, 5. Maskura Khatun and 6. Saifuddin Biswas** are found not guilty of committing the offences punishable under section **341/323/506/34 of the Indian Penal Code, 1860**, and they are hereby acquitted under section 255(1) of Cr.P.C.

The accused persons are present. They are discharged forthwith from their bail bonds and be set at liberty subject to the provision of section 437A of Cr.P.C from their respective bail bonds.

Seized alat, if any, be disposed of in accordance with law after appeal period, if preferred.

Note in the relevant register.

Update in CIS accordingly.

The case record be consigned to the DRR following the modalities of law.

The copy of order be sent to office of District Magistrate for his information and necessary action with regard to the right of appeal of de-facto complainant/victim through DLSA, Murshidabad.

**Typed and corrected by me;**

(Najmus Sahar)  
Judicial Magistrate 1<sup>st</sup> Court  
Berhampore, Murshidabad

(Najmus Sahar)  
Judicial Magistrate 1<sup>st</sup> Court  
Berhampore, Murshidabad